



The Bombay Provincial Municipal Corporations Act, 1949

Act 59 of 1949

Keyword(s):

Appendix, Bakery or Bake-house, Budget Grant, Building, Cesspool, the Corporation, Councillor, Cubical Contents, Dairy, Dairyman, Dairy Product, Dangerous Disease

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THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

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Amended by Mah. 36 of 1990 @£ (14-11-1990)†

@Maharashtra Ordinance No. XIII of 1990 was repealed by Mah. 36 of 1990.

£Section 9 of the Mah. 36 of 1990 reads as follows :—

Validation of
acts and
things done
by Admini-
strators.

“9. Notwithstanding anything contained in the Provincial Municipal Corporations Act, all acts and things done during the period commencing from the date on which the aggregate period of eight years referred to in clause (ab) of paragraph 22 in Part IV of Appendix IV to the Provincial Municipal Corporations Act has expired and ending on the date of commencement of this Act (hereinafter referred to as “the said period”), by the Administrator appointed under the said clause (ab), shall be valid and shall be deemed always to have been valid; and no suit or other proceeding shall be instituted, maintained or continued against any such Administrator or the Corporation on the ground that the elections of Councillors were not held within the aggregate period of eight years from the date on which such Administrator had assumed office and that he had no authority to do such acts or things during the said period.”

†This indicates the date of Commencement of Act.

Amended by Mah.	15 of 1991 @@ (16-2-1991)†
”	26 of 1991 @@@ (29-10-1991)†
”	13 of 1992 (1-1-1993)†
”	21 of 1992 (10-9-1992)*†
”	12 of 1993 (4-1-1993)**
”	15 of 1994
”	41 of 1994 (31-5-1994)***†
”	44 of 1994 (11-11-1994)***††
”	4 of 1995 (31-5-1994)***†
”	5 of 1995 (31-5-1994)*†††
”	20 of 1995 (31-8-1995)†
”	3 of 1996 (31-8-1995)*††††
”	11 of 1996 (21-1-1996)†

**An Act to provide for the establishment of Municipal Corporation for certain
[larger urban areas] in [the State of Maharashtra].**

Sections 4 and 5 of Mah. 4 of 1995 reads as under :—

Mah. 4 of 1995. 4. Notwithstanding the deletion of Part IV of Appendix IV to the principal Act, the Continuance municipal officers and servants appointed, if any, under that Part before the date of commencement of certain ment of the Bombay Provincial Municipal Corporations (Amendment and Validation) Act, 1995, appoint- shall be deemed to have been appointed under the corresponding provisions obtaining in ments. Chapter IV of the principal Act and shall continue to be the employees of the Corporation unless their appointments are duly terminated under the said corresponding provisions.

Mah. 4 of 1995. 5. Notwithstanding anything contained in the principal Act, all acts or things done, by the Validation Administrator of the Municipal Corporation of the City of Kalyan appointed under clause (ab) of acts and of paragraph 22 of Part IV of Appendix IV to the principal Act, during the period commencing things done on the date on which the aggregate period of ten years referred to in the said clause (ab) expired by Admini- and ending on the date of commencement of the Bombay Provincial Municipal Corporations strator. (Amendment and Validation) Act, 1995 (hereinafter referred to as “the said period”), shall be valid and shall be deemed always to have been valid ; and no suit or other proceeding shall be instituted, maintained or continued against the said Administrator or the said Municipal Corpo- ration on the ground that the elections to the said Municipal Corporation for election of the Councillors were not held within the aggregate period of ten years from the date on which the Administrator had assumed office and that he had no authority to do such acts or things during the said period.

*††Mah. Ord. V of 1995 was repealed by Mah. 5 of 1995, s. 3.

*†††Mah. Ord. X of 1995 was repealed by Mah. 3 of 1996, s. 9.

@@Maharashtra Ordinance No. III of 1991 was repealed by Mah. 15 of 1991, s. 11.

@@@Maharashtra Ordinance No. XI of 1991 was repealed by Mah. 26 of 1991, s. 8.

*Maharashtra Ordinance No. IX of 1992 was repealed by Mah. 21 of 1992, s. 27.

**Maharashtra Ordinance No. II of 1993 was repealed by Mah. 12 of 1993, s. 24.

***Maharashtra Ordinance No. X of 1994 was repealed by Mah. 41 of 1994, s. 163.

*†††Maharashtra Ordinance No. XVIII of 1994 was repealed by Mah. 44 of 1994, s. 11.

****Maharashtra Ordinance No. XIV of 1994 was repealed by Mah. 4 of 1995, s. 6.

† These words were substituted for the word “cities” by Mah. 41 of 1994, s. 42(a).

* These words were substituted for the words “the province of Bombay” by Mah. 29 of 1982, s. 3.

WHEREAS, it is expedient to provide for the establishment of municipal corporations ¹[for certain larger urban areas] ²[in the State of Maharashtra with a view to ensure a better municipal government of ³[the said larger urban areas]; It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the *Bombay Provincial Municipal Corporations Act, 1949*. Short title,
extent and
commence-
ment.

⁴(2) It extends to the areas of Municipal Corporations constituted or deemed to be constituted under the Act.]

5* * * * *

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

(1) "Appendix" means an Appendix to this Act.

6* * * * *

Bom.
VII of
1925.

⁷(2A) "approved co-operative bank" means such co-operative bank registered or deemed to be registered under the *Bombay Co-operative Societies Act, 1925*, [†] as may be approved by the State Government by general or special order ;]

⁸(2B) "Assembly Constituency" means a constituency provided by law for the purpose of elections to the Maharashtra Legislative Assembly; or any part thereof which is for the time being comprised in the City ;

XLII
of
1950.

(2C) "Assembly roll" means the electoral roll prepared for any Assembly constituency in accordance with the provisions of the *Representation of the People Act, 1950* ;]

(3) "bakery or bake-house" means any place in which bread, biscuits or confectionery are baked, cooked or prepared in any manner whatsoever for the purposes of sale or profit ;

¹ These words were substituted for the word "in the city of Pune and certain other cities" by Mah. 41 of 1994, s. 42(b)(i).

² These words were inserted by Mah. 29 of 1992, s. 2.

³ These words were substituted for the words "the said cities" by Mah. 41 of 1994, s. 42(b)(ii).

⁴ This sub-section was substituted *ibid.*, s. 43(a).

⁵ Sub-section (3) was deleted *ibid.*, s. 43(b).

⁶ Clause (2) was deleted *ibid.*, s. 44(a).

⁷ Clause (2A) was inserted by Bom. 19 of 1954, s. 2.

⁸ Clauses (2B) and (2C) were inserted by Mah. 34 of 1965, s. 2.

[†] See now the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961).

¹[(3A) "Backward Class of citizens" means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and *Vimukta Jatis* and Nomadic Tribes;]

(4) "budget grant" means the total sum entered on the expenditure side of a budget estimate under a major head as prescribed by rules and adopted by the corporation, and includes any sum by which such budget grant may be increased or reduced by a transfer from or to other heads in accordance with the provisions of this Act and rules;

(5) "building" includes a house, out-house, stable, shed, hut, and other enclosure or structure whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, doorsteps, walls including compound walls and fencing and the like;

²[(5A) "business" includes,—

(a) any trade, commerce, profession, consumption or manufacture or any adventure or concern in the nature of trade, commerce, profession, consumption or manufacture, whether or not such trade, commerce, profession, consumption, manufacture, adventure or concern is carried on with a motive to make gain or profit and whether or not any gain or profit accrues from such trade, commerce, profession, consumption, manufacture, adventure or concern and whether or not there is any volume, frequency, continuity or regularity in such trade, commerce, profession, consumption, manufacture, adventure or concern;

(b) any transaction in connection with, or incidental or ancillary to, such trade, commerce, profession, consumption, manufacture, adventure or concern whether or not such transaction is in respect of capital assets and whether or not it is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction, and whether or not, there is any volume, frequency, continuity or regularity in such transaction;

(c) any occasional transaction in the nature of such trade, commerce, profession, consumption, manufacture, adventure or concern involving import, purchase or sale of goods in the City, whether or not there is any volume, frequency, continuity or regularity to such transaction and whether or not such transaction is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction;

(d) any transaction in connection with, or incidental or ancillary to, the commencement or closure of such trade, commerce, profession, consumption, manufacture, adventure or concern, whether or not such transaction is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction.

Explanation.—For the purposes of this clause, the activities of raising of man-made forests or rearing of seedlings or plants shall be deemed to be a business;]

(6) "by-law" means a by-law made under section 458;

³[(6A) "cess" means a cess on the entry of goods into the limits of the City for consumption, use or sale therein levied in accordance with the provisions of Chapter XIA, but does not include octroi as defined in clause (42) ;]

¹ Clause (3A) was inserted by Mah. 41 of 1994, s. 44(b).

² Clause (5A) was inserted by Mah. 3 of 1996, s. 2(a).

³ Clause (6A) was inserted *ibid.*, s. 2(b).

1949 : Bom. LIX] *Bombay Provincial Municipal Corporations Act, 1949.*

(7) "cesspool" includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

¹[(8) "City" means the larger urban area specified in a notification issued in respect thereof under clause (2) of article 243-Q of the Constitution of India or under sub-section (2) of section 3 of the Act, forming a City;]

(9) "the Commissioner" means the Municipal Commissioner for the City appointed under section 38 and includes an acting Commissioner appointed under section 39;

²[(10) "Corporation" means the Municipal Corporation constituted or deemed to have been constituted for a larger urban area known as a City;]

³[(11) "Councillor" means a person duly elected as a member of the Corporation; and includes a nominated Councillor who shall not have the right,—

(i) to vote at any meeting of the Corporation and Committees of the Corporation; and

(ii) to get elected as a Mayor of the Corporation or a Chairperson of any of the Committees of the Corporation;]

(12) "cubical contents" when used with reference to the measurement of a building means the space contained within the external surfaces of its walls and roof and upper surface of the floor of its lowest storey or where the building consists of one storey only, the upper surface of its floor;

(13) "dairy" includes any farm, cattle-shed, milk store, milk shop, or other place from which milk is supplied for sale or in which milk is kept for the purposes of sale or manufactured into butter, ghee, cheese, curds or dried or condensed milk for sale and in the case of a dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk but does not include a shop or other place in which milk is sold for consumption on the premises only;

(14) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or intended to be offered for sale for human consumption, and any surveyor of milk and any occupier of a dairy;

(15) "dairy produce" includes milk, butter, ghee, curd, butter milk, cream, cheese and every product of milk;

(16) "dangerous disease" means cholera, plague, small-pox or any other, epidemic or infectious disease by which the life of human beings is endangered and which the Corporation may from time to time by public notice declare to be a dangerous disease;

⁴[(16A) "dealer" means any person who whether for commission, remuneration or otherwise imports, buys or sells any goods in the City for the purpose of his business or in connection with or incidental to his business, and includes,—

(a) a factor, broker, commission agent, *del credere* agent or any other mercantile agent, by whatever name called, and whether or not of the same description as hereinbefore specified who buys, sells, supplies, distributes or imports any goods in the City, belonging to any principal or principals whether disclosed or not;

¹ Clause (8) was substituted by Mah. 41 of 1994, s. 44(c).

² Clause (10) was substituted *ibid.*, s. 44(d).

³ Clause (11) was substituted *ibid.*, s. 44 (e).

⁴ Clause (16A) was inserted by Mah. 3 of 1996, s. 2(c).

(b) an auctioneer, who sells or auctions goods in the City, belonging to any principal whether disclosed or not and whether the offer of the intending purchaser is accepted by him or by the principal or a nominee of the principal;

(c) the Central Government of any State Government which (whether or not while carrying on business) buys, sells, supplies, distributes or imports goods directly or otherwise, for commission, remuneration or otherwise;

(d) a society, club or other association of persons (whether incorporated or not) which, whether while carrying on business or not, imports, buys, sells, supplies or distributes goods whether for or on behalf of its members or not, for cash or for deferred payment or, for commission, remuneration or otherwise.

Explanation.—For the purposes of this clause,—

(A) a manager or agent of a non-resident dealer residing in the City who imports, buys, sells, supplies or distributes goods in the City or acts on behalf of such dealer as—

(a) a mercantile agent as defined in the Sale of Goods Act, 1930, or

(b) an agent for handling of goods or documents of title relating to goods, or ^{3 of}

(c) an agent for the collection or the payment for the sale price of goods ^{1930.}
shall be deemed to be a dealer or as a guarantor for such collection or payment;

(B) each of the following persons and bodies who disposes of any goods including goods as unclaimed or confiscated or as unserviceable or as scrap, surplus, old, obsolete or discarded material or waste products whether by auction or otherwise directly or through an agent for cash, or for deferred payment, or for any other valuable consideration, shall, notwithstanding anything contained in clause (5A) or any other provisions of this Act, be deemed to be dealer, namely :—

(a) Port Trusts;

(b) Municipal Corporations, Municipal Councils, *Zilla Parishads* and other local authorities;

(c) Railway administration as defined under the Indian Railways Act, 1890; ^{9 of}

(d) Shipping, transport and construction companies; ^{1890.}

(e) Air transport, companies and Airlines;

(f) Transporters, holding permit for transport vehicles granted under the ^{59 of} Motor Vehicles Act, 1988, which are used or adapted to be used for hire or ^{1988.} reward;

(g) Maharashtra State Road Transport Corporation constituted under the ^{LXIV} Road Transport Corporations Act, 1950; ^{of} ^{1950.}

(h) Customs Department of the Government of India administering the ^{52 of} Customs Act, 1962 ^{1962.}

(i) Insurance and Financial Corporations, or Companies and Banking Companies;

(j) Advertising agencies;

(k) any other Corporation, Company, Body or Authority owned or set-up by, or subject to administrative control of, the Central Government or any State Government.

Exception.—(i) Any individual who imports goods for his exclusive consumption or use and a department of State or Central Government not engaged in business shall not be a dealer;

(ii) An agriculturist who sells exclusively agricultural produce grown on the land cultivated by him personally, shall not be deemed to be a dealer within the meaning of this clause;

(17) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water, or sub-soil water and any culvert, ventilation, shaft or pipe or other appliance or fitting connected therewith and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(18) "eating house" means any premises to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises;

(19) "essential services" means services in which any municipal officer, servant or other person is employed by or on behalf of the Corporation and which are specified in the rules;

(20) "factory" means a factory as defined in the Indian Factories Act, 1948; LXII

(21) "filth" includes sewage, nightsoil and all offensive matter; of 1948.

[(21A) "Finance Commission" means the Finance Commission constituted in accordance with the provisions of article 243-I of the Constitution of India;]

(22) "food" includes every article used for food or drink by man other than drugs or water and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionery, flavouring and colouring matters and species and condiments;

(23) "form" means a form appended to the rules;

(24) "frame building" means a building the external walls of which are constructed of timber framing or iron framing, and the stability of which depends on such framing;

(25) "goods" includes animals;

(26) "house-drain" means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communicating therefrom with a municipal drain;

(27) "house-gully" or "service passage" means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom;

(28) "hut" means any building which is constructed principally of wood, mud, leaves, grass, cloth or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the Corporation may declare to be a hut for the purposes of this Act;

[(28A) "importer" means a person who brings or causes to be brought any goods into the limits of the City from any place outside the area of the City for use, consumption or sale therein;]

(29) "the Judge" means in the [city of [Pune]] the Judge of the Court of Small Causes, and in any other City the Civil Judge (Senior Division) having jurisdiction in the City;

¹ Clause (21A) was inserted by Mah. 41 of 1944, s. 44(f).

² This clause was inserted by Mah. 3 of 1996, s. 2(d).

³ These words were substituted for the words "Cities of Ahmedabad and the City of Poona" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁴ This word was substituted for the word "Poona" by Mah. 6 of 1989, s. 2.

(30) "land" includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street;

¹[(30A) "larger urban area" means an area specified as a larger urban area in a notification issued under clause (2) of article 243-Q of the Constitution of India or under the Act;]

(31) "licensed plumber", "licensed surveyor", "licensed architect", "licensed engineer", "licensed structural designer" and "licensed clerk of works", respectively, means a person licensed by the Corporation as a plumber, surveyor, architect, engineer, structural designer or a clerk of works under this Act;

(32) "lodging house" means a building or part of a building where lodging with or without board or other services is provided for a monetary consideration;

(33) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, live-stock or food for live-stock or meat, fish, fruit, vegetables, animals intended for human food or any other articles of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person ;

(34) "masonry building" means any building other than a frame building or a hut and includes any structure a substantial part of which is made of masonry or of steel, iron or other metal;

(35) "municipal drain" means a drain vested in the Corporation;

(36) "municipal market" means a market vested in or managed by the Corporation;

(37) "municipal slaughter house" means a slaughter house vested in or managed by the Corporation;

(38) "municipal tax" means any impost levied under the provisions of this Act;

(39) "municipal water-works" means water-works belonging to or vesting in the Corporation;

(40) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property ;

(41) "occupier" includes—

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable,

(b) an owner living in or otherwise using his land or building,

(c) a rent-free tenant,

(d) a licensee in occupation of any land or building, and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(42) "octroi" means a cess on the entry of goods into the limits of a city for consumption, use or sale therein ²[but does not include a cess as defined in clause 6A];

¹ Clause (30A) was inserted by Mah. 41 of 1994, s. 44(g).

² These words were added by Mah. 3 of 1996, s. 2(e).

(43) "offensive matter" includes animal carcasses, dung, dirt and putrid or putrifying substances other than sewage ;

(44) "official year [or year]" means the year commencing on the first day of April ;

(45) "owner" means—

(a) when used with reference to any premises, the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let and includes—

(i) an agent or trustee who receives such rent on account of the owner,

(ii) an agent or trustee who receives the rent of, or is entrusted with or concerned for, any premises devoted to religious or charitable purposes,

(iii) a receiver, sequestrator or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises; and

(iv) a mortgagee-in-possession, and

(b) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or boat;

(46) "premises" includes messuages, buildings and lands of any tenure whether open or enclosed, whether built on or not and whether public or private;

²[(46A) "prescribed" means prescribed by rules;]

(47) "private street" means a street which is not a public street ;

(48) "privy" means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptacle therein for human *excreta* and the fittings and apparatus, if any, connected therewith, and includes a closet of the dry type, an aqua privy, a latrine and a urinal ;

(49) "property tax" means a tax on buildings and lands in the City ;

(50) "public place" includes any public park or garden or any ground to which the public have or are permitted to have access ;

(51) "public securities" means—

(a) securities of the Central Government or any ³[State] Government,

(b) securities, stocks, debentures or shares the interest whereon has been guaranteed by the Central or the ³[State] Government,

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by any enactment for the time being in force in any part of ⁴[the territory of India],

(d) securities expressly authorized by any order which the ³[State] Government makes in this behalf ;

(52) "public street" means any street—

(a) heretofore levelled, paved, metalled, channelled, sewerred or repaired out of municipal or other public fund, or

(b) which under the provisions of section 224 is declared to be, or under any other provision of this Act becomes, a public street;

¹ These words were inserted by Mah. 3 of 1996, s. 2(f).

² This clause was inserted, *ibid.*, s. 2(g).

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ This portion was substituted for the words "the Dominion of India", *ibid.*

(53) "rack rent" means the amount of the annual rent for which the premises with reference to which the term is used might reasonably be expected to let from year to year as ascertained for the purpose of fixing the rateable value of such premises ;

(54) "rateable value" means the value of any building or land fixed in accordance with the provisions of this Act, and the rules for the purpose of assessment to property taxes ;

¹[(54A) "registered dealer" means a dealer registered under section 152F ;]

(55) "regulation" means a regulation made under section 465 ;

(56)(a) a person is deemed to "reside" in any dwelling which, or some portion of which he sometimes uses, whether interruptedly or not, as a sleeping apartment, and

(b) a person is not deemed to cease to "reside" in any such dwelling merely because he is absent from it or has elsewhere another dwelling in which he resides if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it ;

(57) "rubbish" includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage ;

(58) "rules" include rules in ²[Schedule D] and rules made under sections 454 and 456 ;

³[(59) "Schedule" means the Schedule appended to this Act ;]

⁴[(59A) "scheduled bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 ;] II of 1934.

⁵[(59B) "Scheduled Castes" means such castes, races or parts of, or groups within, such castes, races or tribes as are deemed to be the Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution of India ;

(59C) "Scheduled Tribes" means such tribes or tribal communities or part of, or groups within, such tribes or tribal communities as are deemed to be the Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India ;]

(60) "sewage" means night-soil and other contents of water closets, latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places, and includes trade effluent and discharges from manufactories of all kinds ;

(61) "special fund" means a fund constituted under section 91 ;

(62) "standing order" means an order made under section 466 ;

⁶[(62A) "State Election Commission" means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243-K of the Constitution of India ;]

¹ Clause 54A was inserted by Mah. 3 of 1996, s. 2(h).

² This word and letter was substituted for the words "the Schedule", *ibid.*, s. 2(i).

³ Clause 59 was substituted, *ibid.*, s. 2(j).

⁴ Clause (59A) was inserted by Bom. 10 of 1953, s. 2.

⁵ Clauses (59B) and (59C) were inserted by Mah. 41 of 1994, s. 44(h).

⁶ Clause (62A) was inserted, *ibid.*, s. 44(i).

(63) "street" includes any highway, and any causeway, bridge, viaduct, arch, road, lane, footway, sub-way, court, alley or riding path or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years, and when there is a footway as well as a carriage way in any street, the said term, includes both ;

(64) "sweetmeat shop" means any premises or part of any premises used for the manufacture, treatment or storage for sale, or for the sale, wholesale or retail of any icecream confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises ;

(65) "theatre tax" means a tax on amusements or entertainments ;

(66) "trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises, means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage ;

(67) "trade premises" means any premises used or intended to be used for carrying on any trade or industry ;

(68) "trade refuse" means and includes the refuse of any trade, manufacture or business ;

(69) "Transport Manager" means the Transport Manager of the Transport undertaking appointed under section 40 and includes an acting Transport Manager appointed under section 41 ;

(70) "Transport Undertaking" means all undertakings acquired, organised constructed, maintained, extended, managed or conducted by the Corporation, for the purpose of providing mechanically propelled transport facilities for the conveyance of the public and includes all movable and immovable property and rights vested or vesting in the Corporation for the purposes of every such undertaking ;

¹[(70A) "turnover of purchases" means the aggregate of the amount of purchase price paid and payable by a dealer or a person in respect of any purchase of goods made by him during a given period, after deducting the amount of purchase price, if any, refunded to the dealer or the person by the seller in respect of any goods purchased from the seller and returned to him within a period of six months ;

(70B) "turnover of sales" means the aggregate of the amount of sale price received and receivable by a dealer or a person in respect of any sale of goods made during a given period after deducting the amount of sale price, if any refunded by him to a purchaser, in respect of any goods purchased and returned, by the purchaser to him within a period of six months and where the registration certificate is cancelled, the amount, in respect of sales made before the date on which the cancellation become effective, received or receivable after such date ;]

(71) "vehicle" includes a carriage, a cart, van, truck, hand-cart, bicycle, tricycle, motor car, and every wheeled conveyance which is used or is capable of being used on a street ;

²[(71A) "Wards Committee" means a Wards Committee constituted under section 29A of this Act ;]

¹ These clauses were inserted by Mah. 3 of 1996, s. 2(k).

² This clause was inserted by Mah. 41 of 1994, s. 44(j).

(72) "water closet" means a closet which has a separate fixed receptacle connected to drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action ;

(73) "water-connection" includes—

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on a private property and connected with water-main or pipe belonging to the Corporation; and

(b) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, metre or tap with such water-main or pipes;

(74) "water-course" includes any river, stream, or channel whether natural or artificial ;

(75) "water for domestic purposes" shall not include water for cattle, or for houses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or mechanical purposes ;

(76) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine, water truck, hydrant, stand-pipe, conduct and machinery, land building or thing for supplying or used for supplying water or for protecting sources of water supply.

Urban areas and constitution of Corporations.] ³[Specification of larger urban areas and constitution of Corporations.] **3.** ¹[(1) The Corporation for every City constituted under this Act existing on the date of coming into force of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 1994, specified as a larger urban area in the notification issued in respect thereof under clause (1) of article 243-Q of the Constitution of India, shall be deemed to be a duly constituted Municipal Corporation for the larger urban area so specified forming a City, known by the name "The Municipal Corporation of the City of". Mah. XLI of 1994.

(2) Save as provided in sub-section (1), the State Government may, having regard to the factors mentioned in clause (1) of article 243-Q of the Constitution of India, specify by notification in the *Official Gazette*, any urban area with a population of not less than three lakhs as a larger urban area.

(2A) Every larger urban area so specified by the State Government under sub-section (2), shall form a City and there shall be a Municipal Corporation for such larger urban area known by the name of the Municipal Corporation of the City of".]

(3) ³(a) ⁴[Subject to the provision of sub-section (2), the State Government] may also from time to time after consultation with the Corporation by notification in the *Official Gazette*, alter the limits specified for any city under sub-section (1) or sub-section (2) so as to include therein or to exclude therefrom, such area as is specified in the notification.]

⁵(b) Where any area is included within the limits of the ⁶[Larger Urban area] under clause (a), any appointments, notifications, notices, taxes, orders, schemes,

¹ These sub-sections were substituted by Mah. 41 of 1994, s. 45(a).

² This marginal note was substituted *ibid.*, s. 45(b)(iii).

³ This sub-section was renumbered as clause (a) by Mah. 29 of 1982, s. 6.

⁴ These words were substituted for the words "The State Government", by Mah. 41 of 1994, s. 45(b)(i).

⁵ This sub-clause was added to sub-section 3, *ibid.*, s. 6.

⁶ These words were substituted for the word "City" *ibid.*, s. 41(b)(ii).

licences, permissions, rules, by-laws or forms made, issued, imposed or granted under this Act or any other law, which are for the time being in force in the ¹[larger urban area] shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise provided in section 129A or any other provision of this Act, apply to and be in force in the additional area also from the date that area is included in the ¹[larger urban area].

(4) The power to issue a notification under this section shall be subject to the conditions of previous publication.

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CHAPTER II

CONSTITUTION

Municipal Authorities

4. (1) The municipal authorities charged with carrying out the provisions of this Act are for each City :—

(A) a Corporation ;

(B) a Standing Committee ;

³[(BA) Wards Committees ; and]

(C) a Municipal Commissioner ;

and, in the event of the Corporation establishing or acquiring a Transport Undertaking ;

(D) a Transport Committee;

(E) a Transport Manager.

Municipal
authorities
charged with
execution of
the Act.

¹ These words were substituted for the word "city" by Mah 14 of 1994 s 41(b)(u)

² Section 3A was deleted *ibid.*, s 46.

³ This clause was inserted *ibid.*, s. 47.

(2) The duties imposed on the Corporation in respect of primary education, shall be performed in accordance with the provisions of the Bombay Primary Education Act, 1947, and for the purposes of the said Act, the Corporation shall be deemed to be an authorised municipality within the meaning of the said Act with power to control all approved schools within the City and to appoint an Administrative Officer.

Constitution of Corporation. 5. (1) Every Corporation shall, by the name of "The Municipal Corporation of the City of" be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

¹[(2) Each Corporation shall consist of.—

(a) such number of councillors, elected directly at ward elections, as is specified in the table below :—

TABLE

Population	Number of Councillors
(i) Above 3 lakhs and upto 6 lakhs.	The minimum number of elected councillors shall be 65. For every additional population of 15,000 above 3 lakhs, one additional councillor shall be provided, so however that the maximum number of elected councillors shall not exceed 85.
(ii) Above 6 lakhs and upto 12 lakhs.	The minimum number of elected councillor shall be 85. For every additional population of 20,000 above 6 lakhs, one additional councillor shall be provided, so however that the maximum number of elected councillors shall not exceed 115.
(iii) Above 12 lakhs and upto 24 lakhs.	The minimum number of elected councillors shall be 115. For every additional population of 40,000, above 12 lakhs, one additional councillor shall be provided so however that the maximum number of elected councillors shall not exceed 145.
(iv) Above 24 lakhs	The minimum number of elected councillors shall be 145. For every additional population of 1 lakh, one additional councillor shall be provided so that, the maximum number of elected councillors shall be 221 ;

(b) such number of nominated councillors not exceeding five, having special knowledge or experience in Municipal Administration to be nominated by the Corporation in such manner as may be prescribed].

¹Sub-clause (2) was substituted by Mah. 41 of 1944, s. 48(a).

(3) The ¹[State Election Commissioner] shall, from time to time, by notification in the *Official Gazette*, specify for each City the number and boundaries of the wards into which such City shall be divided for the purpose of the ward election of councillor ²[so, that as far as practicable, all wards shall be compact areas and the number of persons in each ward according to the latest census figures shall approximately be the same. Each of the wards shall elect only one councillor:]

³[Provided that, no notification issued under sub-section (3), whether before Mah. XI of 1995. or after the commencement of the Maharashtra Municipal Corporations, Municipal Councils, *Nagpur Panchayats* and Industrial Townships (Third Amendment) Act, 1995, shall have effect except for the general election held next after the date thereof and for subsequent elections :]

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5*	*	*	*	*	*	*

⁶[Provided also that before any notification is issued under sub-section (3), a draft thereof shall be published in the *Official Gazette*, and in such other manner as in the opinion of the ⁴[State Election Commissioner] is best calculated to bring the information to the notice of all persons likely to be affected thereby, together, with a notice specifying the date on or before which any objections or suggestions will be received, and the date after which the draft will be taken into consideration.]

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⁸5A. (1) (a) In the seats to be filled in by election in a Corporation, there shall be seats reserved for persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women, as may be determined by the State Election Commissioner, in the prescribed manner; Reservation of Seats.

(b) the seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a Corporation shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in the Corporation as the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in that Corporation area bears to the total population of that area and such seats shall be allotted by rotation to different electoral wards in a Corporation:

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes :

Provided further that, where only one seat is reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, then no seat shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to the Scheduled Castes, or the case may be, the Scheduled Tribes.

¹These words were substituted for the words "State Government", by Mah.41 of 1994 s.48(b)(i).

² These words were substituted by Mah. 26 of 1967, s. 2(b)(i).

³ This proviso was substituted for the existing first proviso by Mah. 10 of 1996, s. 41.

⁴ This proviso was deleted by Mah. 41 of 1994, s. 48(b)(iv).

⁵ The Explanation and proviso were deleted by Mah. 41 of 1994, s. 48(b)(iii).

⁶ This proviso was added by Mah. 26 of 1967, s. 2(b)(iii).

⁷ Sub-section (4) and (5) were deleted *ibid.*, s. 48(c).

⁸ Section 5A was inserted by Mah. 41 of 1994, s. 49.

(c) the number of seats to be reserved for persons belonging to the category of Backward Class of citizens shall be twenty-seven per cent. of the total number of seats to be filled in by election in a Corporation and such seats shall be allotted by rotation to different electoral wards in a Corporation :

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens.

(d) one-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the category of Backward Class of citizens) of the total number of seats to be filled in by direct election in a Corporation shall be reserved for women and such seats shall be allotted by rotation to different electoral wards in a Corporation.

(2) The reservation of seats (other than the reservation for women) under clause (b) of sub-section (1), shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.]

Duration of Corporation. ¹[6. (1) Every Corporation unless sooner dissolved shall continue for a period of five years from the date appointed for its first meeting and no longer.

(2) A Corporation constituted upon the dissolution of a Corporation before the expiration of its duration shall continue for the remainder of the period for which the dissolved Corporation would have continued under sub-section (1) had it not been so dissolved.]

Term of office of Councillors. ²[6A. The term of office of the Councillors shall be co-terminus with the duration of the Corporation.

Election to constitute a Corporation. ^{6B.} An election to constitute a Corporation shall be completed,—
 (a) before the expiry of its duration specified in sub-section (1) of section 6; or
 (b) before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Corporation for such period.]

Resignation of office by Councillor. 7. Any councillor may resign his office at any time by notice in writing to the Commissioner and, on such notice being given, his office shall become vacant as from the date of the notice.

7-A1. 3* * * * *

¹ Section 6 was substituted by Mah. 41 of 1994, s. 50.

² Sections 6A and 6B were inserted *ibid.*, s. 51.

³ Section 7A1 was deleted *ibid.*, s. 52.

¹[7A. The Assembly roll for the time being in force, on such date as the State Election Commissioner may, by general or special order notify, shall be divided by the State Election Commissioner into different sections corresponding to the different wards in the City; and a printed copy of each section of the roll so divided and authenticated by the State Election Commissioner or an officer authorised by him, shall be the ward roll for each ward.] Preparation of Municipal Election roll.

²[7AA. * * * * *] Penalty for making false declarations.

²[7.AAA. * * * * *]

³[7B. Every person whose name is included in any ward roll shall be deemed to be enrolled in the municipal election roll.] Enrolment in municipal election roll.

Qualifications and disqualifications of voters and councillors

⁴[8. Every person whose name is ⁵in a ward roll, shall be deemed to be entitled to vote at the ward election, and every person whose name is not in the said roll shall be deemed to be not entitled so to vote.] Persons qualified to vote.

9. (1) Subject to the provisions of this Act, ⁶[a person who ⁷is not less than twenty-one years of age on the last date fixed for making nominations for any general election or bye-election and] is enrolled in the municipal election roll as a voter for a ward] shall be qualified to be a councillor and to be elected either from such ward or from any other ward. Qualification for election as councillor.

(2) Any person who ceases to be a councillor shall, if qualified under sub-section (1), be eligible for re-election as such.

10. (1) Subject to the provisions of sections 13, ^{8*} and 404, a person shall be disqualified for being elected and for being a councillor, if such person— Disqualification for being a councillor.

⁹(*ai*) has, at any time after the commencement of section 5 of the Maharashtra Mah. Municipal Corporations (Amendment) Act, 1970, been convicted of an offence punishable under section 153A or sub-section (2) or (3) of section 505 of the Indian Penal Code : Disqualification for being a councillor.

XIII
of
1971.
45 of
1860.

Provided that, such disqualification shall be for a period of six years from the date of such conviction ;

(a) has been sentenced by any court to imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation such sentence not having been subsequently reversed or quashed or to death, such sentence having been subsequently commuted to transportation or imprisonment :

Provided that, on the expiry of such sentence, the disqualification incurred under this clause shall cease :

¹ Section 7A was substituted by Mah. 11 of 1996, s. 5.
² Sections 7AA and 7AAA were deleted by Mah. 11 of 1996, s. 6.
³ Section 7B was substituted by Mah. 53 of 1973, s. 7.
⁴ Section 8 was substituted for the original by Mah. 34 of 1965, s. 5.
⁵ These words were substituted by Mah. 20 of 1980, s. 8.
⁶ These words were substituted, *ibid.*, s. 9.
⁷ These words were inserted by Mah. 12 of 1990, s. 7.
⁸ The figures " 17 " were deleted by Mah. 34 of 1965, s. 4.
⁹ Clause (*ai*) was inserted by Mah. 13 of 1971, s. 5.

(ii) any agreement for the loan of money or any security for the payment of money only ;

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted ;

(iv) any joint stock company or any society, registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925,* which shall contract with or be employed by the Commissioner or the Transport Manager on behalf of the Corporation; Bom. VII of 1925.

(v) the occasional sale to the Commissioner or Transport Manager on behalf of the Corporation of any article in which he regularly trades to a value not exceeding in the aggregate in any one official year two thousand rupees; or

(vi) the occasional letting out on hire to the Corporation or in the hiring from the Corporation of any article for an amount not exceeding in the aggregate in any one official year five hundred rupees ;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Corporation; or

(d) receiving conveyance charges as a member of the Transport Committee.

Disabilities from continuing as Councillor. 11. A councillor shall cease to hold office as such if at any time during his term of office he—

(a) becomes disqualified for being a councillor by reason of the provisions of section 10;

(b) absents himself during three successive months from the meetings of the Corporation, except from temporary illness or other cause to be approved by the Corporation ;

(c) absents himself from, or is unable to attend, the meetings of the Corporation during six successive months from any cause whatever, whether approved by the Corporation or not ;

(d) acts as a councillor or as a member of any committee of the Corporation by voting on, or taking part in the discussion of, or asking any question concerning, any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in clause (b) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person

Questions as to disqualification to be determined by the Judge. 12. (1) If any doubt or dispute arises whether a councillor has ceased to hold office as such under section 1, such councillor or any other councillor may, and at the request of the Corporation, the Commissioner shall, refer the question to the Judge.

(2) On a reference being made to the Judge under sub-section (1) such councillor shall not be deemed to be disqualified until the Judge after holding an inquiry in the manner provided by or under this Act determines that he has ceased to hold office.

Liability of Councillors to removal. 13. (1) The [State] Government may, on the recommendation of the Corporation supported by the vote of not less than three-fourths of the whole number of councillors, remove from office with effect from such date as may be specified in the order of removal any councillor elected under this Act, if it is satisfied that such councillor has been guilty of misconduct in the discharge of his duty or of any disgraceful conduct or has become incapable of performing his duties as a councillor:

Provided that no recommendation shall be made by the Corporation under this section unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

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

* See now the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961).

(2) A person who has been removed from office under sub-section (1) shall be disqualified for being elected and for being a councillor for a period of five years. from the date of his removal, unless the ¹[State] Government relieves him of the disqualification by an order which it is hereby empowered to make.

Election of Councillors

²[14. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporations shall vest in the State Election Commissioner. State Election Commission.

(2) The State Election Commissioner may, by order, delegate any of his powers and functions to any officer of the State Election Commission or any officer of the State Government not below the rank of Deputy Collector or to any officer of the Corporation not below the rank of the Assistant Municipal Commissioner.

(3) All officers and members of the staff appointed or deployed for preparation of electoral rolls and conduct of election of the Corporation under this Act or the rules shall function under the superintendence, direction and control of the State Election Commissioner.

(4) Notwithstanding anything contained in this Act and the rules, the state Election Commissioner may issue such special or general orders or directions which may not be inconsistent with the provisions of the Act and the rules for fair and free elections.]

³[14A. The State Election Commissioner may, with a view to prevent impersonation of electors at the time of election, issue such directions, as he thinks fit to the presiding officers and such directions may include instructing the electors to produce, at the time of polling, the photo identity cards issued to them under the provisions of 43 of 1951. the Representation of the Peoples Act, 1951.] Power of State Election Commissioner to issue directions to prevent impersonation.

15. (1) In the event of non-acceptance of office by a person elected to be a councillor, or of the death, resignation, disqualification or removal of a councillor during his term of office, there shall be deemed to be a casual vacancy in the office and such vacancy shall be filled as soon as conveniently may, be ⁴*** by the election of a person thereto, who shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold it if the vacancy had not occurred: Casual vacancies how to be filled.

Provided that no election shall be held for the filling of a casual vacancy if general elections are due to be held within six months of the occurrence of the vacancy,

⁵ * * * * *
⁶ * * * * *

(2) The provisions of section 18 shall apply to an election held for the filling of a casual vacancy.

16. (1) If the qualification of any person declared to be elected a councillor is disputed, or if the validity of any election is questioned, whether by reason of the Election petitions.

¹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950
² Section 14 was substituted by Mah. 41 of 1994, s. 56.
³ New section 14 A was inserted by Mah. 44 of 1994, s. 5.
⁴ The portion beginning with the words " and, in any case " and ending with the words " as occurred " was deleted by Mah. 41 of 1994, s. 57(a).
⁵ The words " or as the case may be, of the expiry of the date referred to in second proviso " were deleted by *ibid.*, s. 57(b).
⁶ The second proviso was delted, *ibid.*, s. 57(c).

improper rejection by the ¹[State Election Commissioner] of a nomination or of the improper reception or refusal of a vote, or by reason of a material irregularity in the election proceedings, corrupt practice, or any other thing materially affecting the result of the election, any person enrolled in the municipal election roll may at any time within ten days after the result of the election has been declared, submit an application to the Judge for the determination of the dispute or question.

(2) The ²[State Election Commissioner] may, if it has reason to believe that an election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed, by order in writing, authorise any officer ³[of the Commission] to make an application the Judge at any time within one month after the result of the election has been declared for a declaration that the election of the returned candidate or candidates is void.

⁴[(2A) No election to any Corporation shall be called in question except by an election petition presented to the Judge referred to in sub-section (1) and no Judge other than the Judge referred to in sub-section (1) shall entertain any dispute in respect of such election.]

(3) The Judge shall decide the applications made under sub-section (1) or (2) after holding an inquiry in the manner provided by or under this Act.

Explanation.—For the purposes of this section—

(1) “corrupt practice means one of the following practices, namely :—

(a) any gift, offer or promise by a candidate or his agent or by any person with the connivance of a candidate or his agent of any gratification, pecuniary or otherwise, to any person whomsoever, with the object, directly or indirectly of inducing a person to stand or not to stand as, or to withdraw from being, a candidate at an election or a voter to vote or refrain from voting at an election or as a reward to a person for having so stood or not stood or for having withdrawn his candidature or a voter for having voted or refrained from voting ;

(b) any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the connivance of the candidate or his agent with the free exercise of any electoral right, including the use of threats of injury of any kind or the creation or attempt to create fear of divine displeasure or spiritual censure, but not including a declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with a legal right ;

(c) the procuring or abetting or attempting to procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person whether living or dead or in a fictitious name or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other ward, he is not entitled to vote ;

(d) the removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent ;

(e) the publication by a candidate or his agent or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election ;

¹ These words were substitute for the word “ Commissioner ”, by Mah. 41 of 1994, s. 58(a).

² These words were substituted for the words “ State Government ”, *ibid.*, s. 58(b)(i).

³ These words were inseted, *ibid.*, s. 58(b)(ii).

⁴ Clause (2A) was inserted, *ibid.*, s. 58(c).

(f) any acts specified in paragraphs (a), (b), (d) and (e) when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent ;

(g) the application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or another word, he is not entitled to vote; or

(h) the receipt of, or agreement to receive, any gratification of the kind described in paragraph (a) as a motive or reward for doing or refraining from doing any of the acts therein specified ;

(2) a corrupt practice shall not be deemed to have been committed in the interests of a returned candidate if the Judge is satisfied that it was of a trivial and limited character which did not affect the result of the election, that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, that it was committed without the sanction or connivance or contrary to the orders of the candidates or his agents and that the candidate and his agents took all reasonable means for preventing the commission of corrupt practices at the election.

17. [*Disqualification of voters for corrupt practice.*] Deleted by Mah. 30 of 1965 s. 7.

18. (1) If at any general elections or an election held to fill a casual vacancy, Procedure if no councillor is elected or an insufficient number of councillors are elected or the election of any or all of the councillors is set aside under this Act and there is no other candidate or candidates who can be deemed to be elected in his or their place, the [State Election Commissioner] shall appoint another day for holding a fresh election and a fresh election shall be held accordingly. election fails or is set aside.

(2) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 15.

19. (1) The Corporation shall [subject to the provisions of sub-section (1A)] at its first meeting in the same month in each succeeding year elect from amongst the councillors one of its number to be the Mayor and another to be the Deputy Mayor. Mayor and Deputy Mayor.

³[(1A) There shall be reservation for the office of the Mayor in the Corporation, by rotation, for the Scheduled Castes, the Scheduled Tribes, Women and the Backward Class of citizens, in the prescribed manner.]

(2) The Mayor and the Deputy Mayor shall hold office until a new Mayor and a new Deputy Mayor have been elected under sub-section (1) and, in a year in which general elections have been held, shall do so notwithstanding that they have not been returned as councillors on the results of the elections.

(3) A retiring Mayor or Deputy Mayor shall be eligible for re-election to either office.

(4) The Deputy Mayor may resign his office at any time by notice in writing to the Mayor and the Mayor may resign his office at any time by notice in writing to the Corporation.

¹ These words were substituted for the words " Commissioner " by Mah. 41 of 1994, s. 59.

² These words were inserted *ibid* s. 60(a).

³ Sub-section (1A) was inserted *ibid.*, s. 60(b).

(5) If any casual vacancy occurs in the office of Mayor or Deputy Mayor the Corporation shall, as soon as convenient after the occurrence of the vacancy choose one of its number to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long only as the person in whose place he is appointed, would have been entitled to hold it if the vacancy had not occurred.

¹[*Honoraria, fees and allowances*

Honoraria,
fees or allow-
ances.

19A. (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 rules made by the Corporation under this section.

²(2) The Corporation shall place at the disposal of the Mayor, annually, such amount as sumptuary allowance, ³[as the State Government may, from time to time, by an order determine.]

(3) Notwithstanding anything contained in section 10, the receipt by a councillor of any honorarium, fee or allowance as aforesaid shall not disqualify any person for being elected or being a councillor.]

Standing Committee

Constitution
of Standing
Committee.

20. (1) The Standing Committee shall consist of ⁴[sixteen] councillors.

(2) The Corporation shall at its first meeting after general elections appoint ⁴[sixteen] persons out of its own body to be members of the Standing Committee.

(3) One-half of the members of the Standing Committee shall retire every succeeding year at noon on the first day of the month in which the first meeting of the Corporation mentioned in sub-section (2) was held :

Provided that all the members of the Standing Committee in office when general elections are held shall retire from office on the election of a new Committee under sub-section (2).

(4) The members who shall retire under sub-section (3) one year after their election under sub-section (2) shall be selected by lot at such time previous to the date for retirement specified in sub-section (3) and in such manner as the Chairman of the Standing Committee may determine, and in succeeding years the members who shall retire under this section shall be those who have been longest in office:

Provided that, in the case of a member who has been reappointed, the term of his office for the purposes of this sub-section shall be computed from the date of his re-appointment.

(5) The Corporation shall at its meeting held in the month preceding the date of retirement specified in sub-section (3) appoint fresh members of the Standing Committee to fill the offices of those who are due to retire on the said date.

(6) Any councillor who ceases to be a member of the Standing Committee shall be eligible for re-appointment.

¹ This heading and section 19A were inserted by Bom. 80 of 1958, s. 2.

² Sub-section (2) was substituted by Mah. 12 of 1993, s. 12.

³ These words were inserted word Substituted for the "twelve" by Mah. 21 of 1992, s. 15.

⁴ This word was substituted for the word "twelve" *ibid.* s. 15

and, in such event, the members who would under sub-section (5) retire on the date specified therein shall continue to be in office until new members have been appointed under this sub-section.

(8) A retiring member shall be eligible for re-appointment.

(9) In the event of non-acceptance of office by any person appointed to be a member of the Transport Committee or of the death, resignation or disqualification of a member of the Committee or of his becoming incapable of acting, or of his office becoming vacant under the provisions of section 26, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the Corporation of a duly qualified person thereto, and such person shall hold office, so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

26. (1) Any person who, having been appointed a member of the Transport Committee,—

Disqualifi-
cation of
members of
Transport
Committee.

(a) becomes disqualified for being a member of the Committee under the provisions of sub-section (3) of section 25, or

(b) acts as a member of the Committee by voting or taking part in the discussion of or asking any question concerning any matter in which he has directly or indirectly, by himself or his partner, any such share or interest as is described in clause (b) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person, or

(c) absents himself during two successive months from the meetings of the Committee except from temporary illness or other cause to be approved by the Committee, or

(d) absents himself from or is unable to attend the meetings of the Committee during four successive months from any cause whatsoever, whether approved by the Committee or not,

shall cease to be a member of the Committee and his office shall thereupon become vacant.

(2) If any doubt or disput arises whether a vacancy has occurred under sub-section (1) the Commissioner shall, at the request of the Corporation, refer the question to the Judge.

27. (1) The Transport Committee shall at its first meeting after its appointment under sub-section (2) of section 25 and at its first meeting in the same months in each succeeding year appoint ¹[one of its number] to be the Chairman. Chairman of Transport Committee.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be eligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be member of the Committee.

(4) In the event of the office of Chairman falling vacant previous to the expiry of his term, the Committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint ²[one of its number] to fill such vacancy and the Chairman so appointed shall hold office so long only as the person in which place he is appointed would have held it if such vacancy had not occurred.

28. The Chairman and members of the Transport Committee shall be paid such conveyance charges for attending meetings of the Committee as may be prescribed by rules. Conveyance charges for attendance at meetings of Transport Committee.

¹ These words were substituted for the words " one of its member " by Mah. 41 of 1994, s. 61(a)

² These words were substituted for the words " one of its member ", *ibid.*, s. 61(b).

Sub-com- 29. (1) The Transport Committee may from time to time appoint out of its own mittees of body sub-committees consisting of such number of persons as the Committee thinks fit. Transport Committee.

(2) The Committee may by specific resolution carried by the vote of at least two-thirds or its number present at the meeting delegate any of its powers and duties to a sub-committee and may also by a like resolution define the sphere of business of such sub-committee.

(3) The Committee may refer to a sub-committee appointed under sub-section (1) for inquiry and report or for opinion any matter with which the Committee is competent to deal.

¶Wards Committees

Constitution of Wards Committees. 29A. (1) In every City, there shall be constituted Wards Committees comprising such contiguous electoral wards as may be decided by the Corporation, in accordance with following table :—

TABLE

Population	Minimum Number of Wards Committees	Additional Wards Committees for Additional Population	Maximum Number of Wards Committees
Above 3 lakhs and upto 4.5 lakhs	3	4
Above 4.5 lakhs and upto 12 lakhs	4	1,50,000	9
Above 12 lakhs and upto 24 lakhs	9	3,00,000	13
Above 24 lakhs	13	6,00,000	25

(2) Each Wards Committee shall consist of—

(a) the councillors representing the electoral wards within the territorial area of the Wards Committee ;

(b) the officer incharge of the territorial area of the Wards Committee ;

(c) such number of other members not exceeding three, nominated by the Councillors referred to in clause (a), from amongst the members of recognised non-Government Organisations and Community based organisations engaged in social welfare activities working within the area of the Wards Committee:

Provided that such persons are registered as electors in the wards within the jurisdiction of the Wards Committee :

Provided further that the norms for recognition of the Non-Government, organisations, the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the State Government may prescribe.

(3) The duration of the Wards Committees shall be co-terminus with the duration of the Corporation.

(4) The elected Councillors referred to in clause (a) of sub-section (2) shall at the first meeting of the Wards Committee in each official year, elect from amongst themselves the Chairperson who shall hold office until the first meeting in the next following official year.

¹ The sub-heading and section 29A was inserted by Mah. 41 of 1994, s. 62.

(5) The Chairperson of the Wards Committee shall be deemed to have vacated the office as soon as he ceases to be a Councillor.

(6) In the event of the office of the Chairperson falling vacant before the expiry of its term, the Wards Committee shall elect a new Chairperson :

Provided that the Chairperson so elected shall hold office so long only as the Chairperson in whose place he is elected, would have held the office if such vacancy had not occurred.

(7) The functions of the Wards Committee shall, subject to the general supervision and control of the Corporation, be—

(a) the speedy redressal of common grievances of citizens, connected with local and essential municipal services like water-supply, drainage, sanitation, and storm water disposal ;

(b) to consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of account of the budget before being forwarded to the Commissioner ;

(c) to grant administrative approval and financial sanction to the plans for municipal works to be carried out within the territorial area of the Wards Committee costing upto rupees five lakhs, provided that specific provision exists therefor in the budget sanctioned by the Corporation.

(8) Notwithstanding anything contained in sub-section (7), the Corporation may, by resolution, delegate to a wards Committee such other functions as it may deem fit and expedient.

(9) The Wards Committee shall meet at least once in every month at its Ward office.]

Special and Adhoc Committees

30. (1) The Corporation may from time to time appoint out of its own body, Special Committees ¹[including the Women and Child Welfare Committee] which shall conform to any instructions that the Corporation may from time to time give them. Special Committees of the Corporation.

²[(1A) on the Women and Child Welfare Committee not less than seventy-five per cent. of the members shall be from amongst women Councillors.

Explanation.—For the purpose of computing the number of members at seventy-five per cent. fraction, if any, shall be rounded off to one.]

(2) The Corporation may by a specific resolution passed by the vote of not less than two-thirds of the councillors present and voting at a meeting of the Corporation define the sphere of business of each Special Committee and direct that all matters and questions included in any such sphere shall in the first instance be placed before the appropriate Committee and shall be submitted to the Corporation with such Committee's recommendation; and the Corporation may also by a like resolution delegate of its powers and duties to specified Special Committees.

(3) Every Special Committee shall appoint two of its number to be its Chairman and Deputy Chairman :

Provided that no councillor shall, at the same time, be the Chairman of more than one Special Committee.

¹ These words were inserted by Mah. 21 of 1992, s. 17(a).

² Sub-section (1A) was inserted, *ibid.*, s. 17(b).

¹[Provided further that, the Chairperson and the Deputy Chairperson on the Women and Child Welfare Committee shall be from amongst the women Councillor members thereof.]

(4) The Chairman and in his absence the Deputy Chairman and, in the absence of both, such other member as may be chosen by the members of the Special Committee present at a meeting thereof shall preside at the meeting.

(5) Any member of a Special Committee who absents himself during two successive months from the meetings of such Committee, except on account of temporary illness or other cause to be approved by such Committee, or absents himself from or is unable to attend the meetings of such Committee during four successive months from any cause whatever, whether approved by such Committee or not, shall cease to be a member of such Committee and his seat shall thereupon be vacant.

(6) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation :

Provided that if, in delegating any of its powers, or duties to a Special Committee under sub-section (2), the Corporation directs that the decision of such Committee shall be final, then so much of the proceedings of such Committee as relates to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least half the total number of members of such Committee:

Provided further that, any Special Committee may by a resolution supported by at least half the whole number of members direct that action be taken in accordance with the decision of such Committee without waiting for confirmation of its proceedings by the Corporation, where such confirmation is required, if such Committee considers that serious inconvenience would result from delay in taking such action; but if the Corporation does not subsequently confirm, the proceedings of such Committee such steps as may still be practicable shall be taken without delay to carry out the orders of the Corporation.

(7) The Corporation may at any time dissolve or alter the constitution of a Special Committee.

(8) The constitution of Special Committees and the conduct of business at meetings of such Committees, the keeping of minutes and the submission of reports and other matters before such Committees shall be regulated by rules.

Appointment of *ad hoc* Committees. 31. (1) The Corporation may from time to time appoint out of its own body such *ad hoc* Committees consisting of such number of councillors as it shall think fit, and may refer to such Committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as it shall think fit and direct that the report of any such Committee shall be submitted through the Standing Committee or a Special Committee constituted under section 30.

(2) An *ad hoc* Committee appointed under sub-section (1) may, with the previous sanction of the Corporation, co-opt not more than two persons who are not councillors but who in the opinion of the Committee possess special qualifications for serving thereon.

²[Provided that such persons shall not be eligible to be elected as the Chairperson of such Committee and shall not have the right to vote at any meeting of the Committee.]

¹ This proviso was inserted by Mah. 21 of 1992, s.17 (c).

² This proviso was added by Mah. 41 of 1994, s.63.

Joint Committees

32. (1) The Corporation may from time to time join with a local authority or with a combination of local authorities. Joint transactions with other local authorities.

(a) in appointing a joint committee out of their respective bodies for any purpose in which they are jointly interested, and in appointing a chairman of such committee ;

(b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by any of such bodies ; and

(c) in framing and modifying rules for regulating the proceedings of any such committee in respect of the purpose for which the committee is appointed.

(2) Where the Corporation has requested the concurrence of any other local authority under the provisions of sub-section (1) in respect of any matter and such other local authority has refused to concur, the ¹[State] Government may pass such orders as it deems fit requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid and such other local authority shall comply with such orders.

(3) If any difference of opinion arises between the Corporation and any other local authority which has joined the Corporation under this section, the matter shall be referred to the ¹[State] Government whose decision thereupon shall be final and binding :

Provided that, if the local authority concerned is a cantonment authority, any such decision shall not be binding unless it is confirmed by the Central Government.

(4) The Corporation may from time to time ²[in the case of any cantonment authority with the sanction of the State Government and the Officer Commanding in-Chief, the Command, and in other cases] with the sanction of the ¹[State] Government enter into an agreement with a local authority or with a combination of local authorities for the levy of octroi or tolls ³[or a tax on vehicles, boats or animals] by the Corporation on behalf of the bodies so agreeing and, in that event, the provisions of this Act shall apply in respect of such levy as if the area or the City were extended so as to include the area or areas subject to the control of such local authority or such combination of local authorities.

⁴[(5) When any agreement such as is referred to in sub-section (4) has been entered into, then the total of the collection of such octroi, toll or tax made in the City and in the area or areas ordinarily subject to the control of such other local authority or authorities and the costs thereby incurred shall be divided between the Municipal Fund and the fund or funds subjects to the control of such other local authority or authorities, as the case may be, in such proportion as may have been determined by the agreement.]

Provisions regarding validity of proceedings

33. No act or proceedings of the Corporation or of any committee or sub-committee appointed under this Act shall be questioned on account of any vacancy in its body. Vacancy in Corporation, etc. not to invalidate its proceedings.

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

² These words were inserted by Bom. 5 of 1958, s. 2(1)(a).

³ These words were inserted by Bom. 5 of 1958, s. 2(1)(b).

⁴ This sub-section was added, *ibid.*, s. 2(2).

Proceedings of Corporation, etc. not vitiated by disqualification, etc. of members thereof. 34. No disqualification of, or defect in, the election or appointment of any person acting as a councillor, as the Mayor or the Deputy Mayor or the presiding authority of the Corporation or as the Chairman or a member of any Committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the Corporation or of any such Committee or sub-committee, as the case may be, in which such person has taken part provided the majority of the persons who were parties to such act or proceedings were entitled to act.

Proceedings of meetings to be good and valid until contrary is proved. 35. Until the contrary is proved, every meeting of the Corporation or of a Committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act or the rules shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a Committee or sub-committee, such Committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

The Municipal Commissioner

Appointment of the Commissioner. 36. (1) The Commissioner shall from time to time be appointed by the ¹[State] Government.

(2) The Commissioner shall in the first instance hold office for such period not exceeding three years as the ¹[State] Government may fix and his appointment may be renewed from time to time for a period not exceeding three, years at a time.

(3) Notwithstanding the provisions of sub-section (2) the Commissioner may at any time, if he holds a lien on the service of the ²[Government] be recalled to such service ³* * * * and may further at any time be removed from office by the ¹[State] Government for incapacity, misconduct or neglect of duty and shall forthwith be so removed if at a meeting of the Corporation not less than five-eighths of the whole number of councillors vote in favour of a resolution requiring his removal.

Salary of Commissioner. 37. (1) The Commissioner shall receive from the Municipal Fund such monthly salary and allowances as the ¹[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.

(2) 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.

(3) When a salaried servant of the ²[Government] is appointed as the Commissioner such contribution to his pension, leave and other allowances as may be required by the conditions of his service under the ²[Government] to be made by him or on his behalf shall be paid to the ¹[State] Government from the Municipal Fund.

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

² This word was substituted for the word " Crown ", *ibid.*

³ The word " after consultation with the Corporation " were deleted by Mah. 12 of 1993, s.13.

Transport Manager.

38. (1) The ¹[State] Government may from time to time with the assent of the Standing Committee grant leave of absence to the Commissioner for such period as it thinks fit.

Grant of leave of absence to Commissioner and leave allowance.

(2) The allowances to be paid to the Commissioner while absent on leave shall be of such amount, not exceeding his salary, as shall be fixed by the ¹[State] Government and shall, unless the Commissioner is a salaried servant of the ²[Government], be paid from the Municipal Fund :

Provided that, if the Commissioner is a salaried servant of the ²[Government] the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the ²[Government] of his class.

39. During the absence on leave or other temporary vacancy in the office of the Commissioner, the ¹[State] Government may appoint a person to act as the Commissioner and every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force on the Commissioner and shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is liable and shall receive such monthly salary not exceeding the salary for the time being payable to the Commissioner as the ¹[State] Government shall determine.

Appointment and remuneration of acting Commissioner.

40. (1) In the event of the Corporation acquiring or establishing a Transport Undertaking the Corporation shall, subject to the approval of the ¹[State] Government, appoint a fit person to be the Transport Manager of the Transport Undertaking.

Appointment of Transport Manager.

(2) The Transport Manager shall receive such monthly salary and allowances as the Corporation shall from time to time, with the approval of the ¹[State] Government determine :

Provided that the salary of the Transport Manager shall not be altered to his disadvantage during his period of office.

41. (1) Leave of absence may be granted from time to time to the Transport Manager by the Transport Committee with the assent of the Corporation.

Leave of Transport Manager.

(2) The allowance to be paid to the Transport Manager whilst so absent on leave shall be of such amount, not exceeding the amount of his salary, as shall be fixed by the Corporation.

(3) During the absence on leave or other temporary vacancy in the office of the Transport Manager the Transport Committee, with the assent of the Corporation, may appoint a person to act as Transport Manager; every person so appointed shall exercise the powers and perform the duties conferred and imposed on the Transport Manager and shall be subject to the same liabilities, restrictions and conditions to which the Transport Manager is liable and shall receive such monthly salary, not exceeding the salary for the time being payable to the Transport Manager, as the Corporation shall determine.

Disqualifications of the Commissioner.

42. (1) No person shall be qualified to be appointed or to be the Commissioner if he has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the Corporation.

Commissioner not to be interested in any [contract] with Corporation.

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

² The words " or in any employment with, by or on behalf of the Corporation other than as Commissioner " were deleted by Mah. 42 of 1977, s. 6(a).

³ This word was substituted for the words " contractetc., " *ibid.*, s. 6(d).

(2) Any Commissioner who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract ^{1*} * as aforesaid shall cease to be Commissioner and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract ^{2*} * with, by or on behalf of the Corporation as, under sub-clause (ii) or (iv) of clause (b) of sub-section (2) of section 10 it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

CHAPTER III.

PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE AND OTHER BODIES.

Proceedings of the Corporation Standing Committee etc. 43. (1) The meetings of the Corporation, the Standing Committee, ³[the Wards Committees], the sub-committees of the Standing Committee, the Transport Committee, the sub-committees of the Transport Committee, Special Committees and *ad hoc* Committees shall be held and the business before them shall be disposed of in the manner prescribed by rules:

⁴[Provided that the Councillors nominated under clause (b) of sub-section (2) of section 5 shall, notwithstanding anything contained in this Act including the Schedule, not have the right to vote at any meeting of the Corporation.]

(2) The Commissioner shall have the same right of being present at a meeting of the Corporation and of taking part in the discussions thereat as a councillor, and, with the permission of the presiding authority, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make, any proposition at such meeting.

(3) The Corporation may require any of its officers to attend any meeting or meetings of the Corporation at which any matter dealt with by such officer in the course of his duties is being discussed ; when any officer is thus required

¹ The words "or employment" were deleted, *ibid.*, s. 6(b).

² The words "or employment" were deleted, *ibid.*, s. 6(c).

³ These words were inserted by Mah. 41 of 1994, s. 64 (a).

⁴ The proviso was added by Mah. 41 of 1994 s. 64(b).

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract, ¹* * * as aforesaid shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall, apply to any such share or interest in any contract ²* * * with, by, or on behalf of the Corporation as under sub-clause (ii) or (iv) of clause (b) of sub-section (2) of section 10, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

Explanation.—The expression “municipal officer” includes the Transport Manager appointed under section 40 and any person appointed to act for the Transport Manager under section 41.

60. (1) Any municipal officer or servant occupying any premises provided by the Corporation for his residence—

(a) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be prescribed by the Corporation, and

(b) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his resignation, dismissal, removal or retirement from the service of the Corporation or whenever the Commissioner, with the approval of the Corporation, thinks it necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so, the Commissioner may order such person to vacate such premises and may take such measures as will prevent him from remaining on or again entering on the premises.

(3) With reference to a municipal officer or servant appointed under Chapter XX, the provisions of this section shall apply as if for the word “Commissioner” the words “Transport Manager” had been substituted.

CHAPTER V

ESSENTIAL SERVICES.

61. (1) No member of an essential service shall—

(a) without the written permission of the Commissioner or any officer authorised by him in this behalf, resign his office, withdraw or absent himself from the duties thereof without at least two months' notice given in writing to the Commissioner, except in the case of illness or accident disabling him for the discharge of his duties, or other reason accepted as sufficient by the Commissioner or such officer, ^{Members of essential services not to resign, etc. without permission.}

or
(b) neglect or refuse to perform his duties or wilfully perform them in a manner which, in the opinion of the Commissioner or such officer, is inefficient.

(2) With reference to a member of an essential service who is appointed under Chapter XX, the provisions of this section shall apply as if for the word “Commissioner” the words “Transport Manager” had been substituted.

62. If the ³[State] Government is of the opinion that the stoppage or the cessation of the performance of any of the essential services will be prejudicial to the ³[State] Government to declare emergency. safety or health or the maintenance of services essential to the life of the community in the City, it may, by notification in the *Official Gazette*, declare that an emergency exists in the City and that in consequence thereof no member of such of the essential

¹ The words “or employment” were deleted by Mah. 42 of 1977 s.7(b).

² The words “or employment” were deleted, *ibid.*, s. 7(c).

³ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

services and for such period as may be specified in the notification shall, notwithstanding any law for the time being in force or any agreement,—

(a) withdraw or absent himself from his duties except in the case of illness or accident disabling him from the discharge of his duties, or

(b) neglect or refuse to perform his duties or wilfully perform them in a manner which in the opinion of such officer as the ¹[State] Government may specify in this behalf is inefficient.

CHAPTER VI

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES AND OFFICERS.

Obligatory and Discretionary Duties of the Corporation.

Matters to be provided for by the Corporation.

63. It shall be incumbent on the Corporation to make reasonable and adequate provision, by any means or measures which it is lawfully competent to it to use or to take, for each of the following matters, namely :—

(1) erection of substantial boundary marks of such description and in such positions as shall be approved by the ¹[State] Government defining the limits or any alteration in the limits of the City ;

²[(1a) planning for social and economic development ;

(1b) urban forestry, protection of the environment and promotion of ecological aspects ;]

(2) the watering, scavenging and cleansing of all public streets and places in the City and the removal of all sweepings therefrom ;

(3) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and, if so required by the ¹[State] Government, the preparations of compost manure from such sewage, offensive matter and rubbish ;

(4) the construction, maintenance and cleansing of drains and drainage work and of public latrines, water-closets, urinals and similar conveniences ;

(5) the entertainment of a fire-brigade equipped with suitable appliances for the extinction of fires and the protection of life and property against fire ;

(6) the construction or acquisition and maintenance of public hospitals and dispensaries including hospitals for the isolation and treatment of persons suffering or suspected to be infected with a contagious or infectious disease and carrying out other measures necessary for public medical relief ;

(7) the lighting of public streets, municipal markets and public buildings vested in the Corporation ;

(8) the maintenance of a municipal office and of all public monuments and open spaces and other property vesting in Corporation ;

(9) the naming or numbering of streets and of public places vesting in the Corporation and the numbering of premises ;

(10) the regulation and abatement of offensive and dangerous trades or practices ;

(11) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies ;

(12) the construction or acquisition and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses ;

(13) the construction or acquisition and maintenance of cattle-ponds ;

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

² These clauses were inserted by Mah. 41 of 1994, s. 65.

Bom. I of 1892. (14) public vaccination in accordance with the provisions of the ¹[Bombay] District Vaccination Act, 1892 ;

(15) maintaining, aiding and suitably accomodating schools for primary education ;

(16) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;

(17) the registration of births and deaths ;

(18) the construction, maintenance, alteration and improvement of public streets, bridges, sub-ways, culverts, cause ways and the like ;

(19) the removal of obstructions and projections in or upon streets, bridges and other public places ;

(20) the management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes ;

(21) preventing and checking the spread of dangerous diseases ;

(22) the securing or removal of dangerous buildings and places ;

(23) the construction and maintenance of residential quarters for the municipal conservancy staff.

(24) fulfilment of any obligation imposed by or under this Act or any other law for the time being in force ;

(25) subject to adequate provisions being made for the matters specified above the provisions of relief to destitute person in the City in times of famine and scarcity and the establishment and maintenance of relief works in such times.

64. The Corporation shall make payments at such rates and subject to such conditions as the ¹[State] Government from time to time by general or special order prescribes, for the maintenance and treatment in any institution which the ¹[State] Government declares by notification in the *Official Gazette* to be suitable for the purpose either within or without the City and for other necessary expenses of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institutions : Corporation to provide for anti-rabic treatment.

Provided that the Corporation shall not be liable under this section for the maintenance, treatment and other expenses of any person undergoing anti-rabic treatment as an indigent persons in any such institution as aforesaid, unless such person immediately previous to his admission thereto has been resident in the City for at least one year and has proceeded to such institution from the City.

65. (1) The Corporation shall make payments at such rates for each person as the ¹[State] Government from time to time by general or special order prescribes for the maintenance and treatment at any asylum, hospital or house, within or with out the City, which the ¹[State] Government declares by notification in the *Official Gazette* to be suitable for the purpose of pauper, lunatic not being persons for whose V of confinement an order under Chapter XXXIV of the, Code of Criminal Procedure,** 1998. 1898, is in force and of lepers resident within, or under any enactment for the time being in force removed from the City : Corporation to provide for maintenance of lunatics and lepers.

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid unless such lunatic or leper immediately previous to his admission thereto has been resident in the City for at least one year :

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

* See now the Maharashtra Vaccination Act, 1964 (Mah. 37 of 1964).

** See now the Code of Criminal Procedure, 1973 (2 of 1974).

Provided further that, the rates prescribed by the ¹[State] Government under this section shall not exceed half the total cost of maintenance and treatment incurred for each person on account of the lunatic for whose maintenance and treatments the Corporation shall be liable under this section :

Provided also that where an application is made to the Court under section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of main^{5 of}tenance of the lunatic by the Corporation shall be made without an opportunity being given to the Corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound and having the means to maintain him. 1912.

(2) The officer in-charge of an asylum hospital or house to which lunatics or lepers for whose maintenance and treatment the Corporation is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such person detained in the asylum, hospital or house and shall furnish a copy thereof to the Corporation.

Matters which may be provided for by Corporation at its discretion. 66. The Corporation may in its discretion provide from time to time either wholly or partly for all or any of the following matters, namely :—

(1) the organisation, maintenance or management of institutions within or without the City for the care of persons who are infirm, sick or incurable, or for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children ;

²[(1A) slum improvement and upgradation ;

(1B) urban poverty alleviation ;

(1C) cattle pounds and prevention of cruelty to animals ;

(1D) regulation of tanneries ;]

(2) the organisation, maintenance or management of maternity and infant-welfare homes or centres ;

(3) the provision of milk to expectant or nursing mothers or infants or school children ;

(4) the organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of diseases or for researches connected with public health ;

(5) Swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health ;

(6) dairies or farms within or without the City for the supply, distribution and processing of milk or milk products for the benefit of the residents of the City ;

(7) the construction and maintenance in public streets or places of drinking fountains for human being and water-troughs for animals ;

(8) the planting and maintenance of trees on road sides and elsewhere ;

³[(8A) providing for parking or halting places or lots for vehicles on any part of any public street or public place which vests in the Corporations ;]

(9) the provision of music for the people ;

(10) the provision of public parks, gardens, play grounds and recreation grounds ;

(11) the holding of exhibitions, athletics or games ;

(12) the regulation of lodging houses, camping grounds and rest houses in the City ;

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

² These clauses were inserted by Mah. 41 of 1994, s. 66.

³ Clause (8A) was inserted by Mah. 13 of 1992, s.2.

- (13) the maintenance of an ambulance service ;
- (14) the construction, establishment and maintenance of theatres, rest-houses and other public buildings ;
- (15) the organisation or maintenance, in times of scarcity, of shops or stalls for the sale of necessaries of life ;
- (16) the building or purchase and maintenance of dwellings for municipal officers and servants ;
- (17) the grant of loans for building purposes to municipal servants ^{1* * *} on such terms and subject to such conditions as may be prescribed by the Corporations ;
- (18) any other measures for the welfare of municipal servants or any class of them ;
- (19) the purchase of any undertaking for the supply of electric energy or gas or the starting or subsidising of any such undertaking which may be in the general interests of the public ;
- (20) the Construction, purchase, organization, maintenance or management of light, railways, tramways, trackless trams, or motor transport facilities for the conveyance of the public or goods within or without the City ;
- (21) the furtherance of educational objects other than those mentioned in clause (15) of section 63 and making grants to educational institutions within or without the City ;
- (22) the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase of construction of buildings therefor ;
- (23) the construction or maintenance of infirmaries or hospitals for animals ;
- (24) the destruction of birds or animals causing a nuisance, or of vermin, and the confinement or destruction of stray or ownerless dogs ;
- (25) contributions towards any public fund raised for the relief of human suffering within the City or for the public welfare ;
- (26) the preparation or presentation of addresses to persons of distinction ;
- (27) the registration of marriages ;
- (28) the granting of rewards for information which may tend to secure the correct registration of vital statistics. ;
- (29) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary magistrate or any portion of such charges ;
- (30) the acquisition and maintenance of grazing grounds and the establishment and maintenance of a breeding stud ;
- (31) establishing and maintaining a farm or factory for the disposal of sewage ;
- (32) supplying, constructing and maintaining, in accordance with the general system approved by the Corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Corporation ;
- (33) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, by-laws regulations or standing orders ;

¹ The words "drawing a monthly salary of not more than four hundred rupees" were deleted by Mah. 27 of 1975, s. 2.

(34) laying out whether in areas previously built upon or not, new public streets and acquiring land for that purpose and land required for the construction of buildings or curtilages thereof to abut on such street or streets ;

(35) the building or purchase and maintenance of suitable dwellings for the poor and working classes, or the grant of loans or other facilities to any person, society or institution interested in the provision of such dwellings ;

(36) the provision of shelter to destitute or homeless persons and any form of poor relief ;

(37) the building for purchase and maintenance of sanitary stables, or byres for horses, ponies or cattle used in hackney carriages or carts or for milch-kine ;

(38) surveys of buildings or lands ;

(39) measures to meet any calamity affecting the public in the City ;

(40) making contributions to the funds of the Local-Self Government Institute, Bombay ;

¹[(41) making any contribution towards any public reception, ceremony or entertainment :

Provided that, the total expenditure on account of such contributions during any official year shall not exceed rupees twenty-five thousand or such higher amount as the State Government may, from time to time, by notification published in the *Official Gazette*, specify in this behalf.]

²[(41A) with the previous sanction of the State Government and subject to such terms and conditions as the State Government may impose, subscribing to the share capital of any company or co-operative society, with a limited liability, established or to be established for maintaining or setting up a slaughter house, or for providing any other services in the City, useful to the Corporation in carrying out any of the duties imposed upon it by or under this Act or any other law for the time being in force ;]

(42) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

Performance of function to, a Corporation has been entrusted with the impementation of a scheme, by the State Government or any other authority :—
by agencies.

(i) the Corporation may, either discharge such duty or perform such function or implement such schemes by itself ; or

(ii) subject to such directions as may be issued and the terms and conditions as may be determined by the State Government, cause it to be discharged, performed or implemented by any agency :

Provided that, the Corporation may also specify terms and conditions, not inconsistent with the terms and conditions determined by the State Government for such agency arrangement.]

Respective functions of the several Municipal Authorities.

Function of the several municipal authorities. 67. (1) The respective functions of the several municipal authorities shall be such as are specifically prescribed by or under this Act.

(2) Except as otherwise expressly provided in this Act, the municipal government of the City vests in the Corporation.

(3) Subject, whenever it is in this Act expressly so directed to the approval or sanction of the Corporation or the Standing Committee and subject also to all other restrictions, limitations and conditions imposed by this Act or by any other law for the time being in force, the entire executive power for the purpose of carrying out the provisions of this Act and of any other Act for the time being

¹ Clause (41) was substituted for the original by Mah. 42 of 1977, s. 8.

² Clause (41A) was inserted by Mah. 68 of 1975, s. 2.

³ Section 66A was inserted by Mah. 41 of 1994, s. 67.

in force which imposes any duty or confers any power on the Corporations vests in the Commissioner, who shall also—

(a) perform all the duties and exercise all the powers specifically imposed; or conferred upon him by this Act or by any other law for the time being in force;

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the Municipal Secretary and the Municipal Chief Auditor and the municipal officers and servants immediately subordinate to them, and, subject to the regulations, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances :

(c) in any emergency take such immediate action for the service of safety of the public or the protection of the property of the Corporation as the emergency shall appear to him to justify or to require notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of some other municipal authority or if the [State] Government :

Provided that the Commissioner shall report forthwith to the Standing Committee and to the Corporation the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Act ;

(d) perform the duties and exercise the powers imposed or conferred upon the Transport Manager by this Act in his absence or on failure by him to perform or exercise the same.

(4) Subject, whenever expressly so directed in this Act, to the approval of the Corporation or the Transport Committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of Chapter XX vests in the Transport Manager who shall also,—

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act and perform such other duties in connection with the Transport Undertaking as may be required of him by the Transport Committee.

(b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and servants appointed under Chapters XX and, subject to the regulations, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

(c) in any emergency, take such immediate action for the protection of human life or of the property of the Corporation or for the maintenance of the service provided to the public by the Transport Undertakings as the emergency shall appear to him to justify or require, reporting forthwith to the Transport Committee, when he has done so, the action he has taken and his reason for taking the same and the amount of cost, if any, incurred, or likely to be incurred in consequence of such action, which is not covered by a budget-grant under the provisions of this Act.

²[67A The Commissioner shall, before the thirty-first day of July every year place before the Corporation a report on the status of environment within the city in respect of the last preceding official year covering such matters, and in such manner as may be specified by the State Government from time to time.] Environment Status Report.

68. (1) Any powers, duties and functions conferred or imposed upon or vested in the Corporation by any other law for the time being in force shall, subject to the provisions of such law and to such restrictions, limitations and conditions as the Corporation may impose, be exercised, performed or discharged by the Commissioner. Commissioner to exercise powers and perform duties of Corporation under other law.

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

² Section 67A was inserted by Mah. 41 of 1994, s. 68.

(2) The Commissioner may with the approval of the Standing Committee by order in writing empower any municipal officer to exercise, perform or discharge any such power, duty or function under the control of the Commissioner and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe.

69. (1) Subject to the provisions of sub-sections (2) and (3) any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner or the Transport Manager by or under any of the provisions of this Act may be exercised, performed or discharged, under the control of the Commissioner or the Transport Manager, as the case may be, and subject to his revision and to such conditions and limitations, if any, as may be prescribed by rules, or as he shall think fit to prescribe in a manner not inconsistent with the provisions of this Act or rules, by any municipal officer whom the Commissioner or the Transport Manager generally or specially empowers by order in writing in this behalf; and to the extent to which any municipal officer is so empowered the word "Commissioner" and the words "Transport Manager" occurring in any provisions in this Act, shall be deemed to include such officer.

(2) The Commissioner shall not, except with the prior approval of the Standing Committee, make an order under sub-section (1) affecting his powers, duties or functions under any of the following sections, sub-sections and clauses, namely :—

10 (1) (h), 12(1), 18 (1), 26 (2), 43 (2), 43 (4), 43 (5), 51 (2), 67 (3)(b), 67 (3)(c), 67 (3) (d), 71 (2), 73, 77, 78 (1), 85, 86, 87, 90, 92 (2), 94, 95, 121, 122, 125, 126, 130(1)(b), 131 (1), 134, 137, 144, 152, 154, 160, 174, 176, 177, 188, 195, 196, 197, 201, 205, 207, 208, 209, 210, 212, 213, 214, 216, 220, 224, 232, 243, 268, 269, 270, 272 (2), 273, 274, 275 (1), 277, 278, 281, 298, 300, 301, 303, 304, 305, 310, 317, 319, 321, 322, 323, 324, 325, 328, 329, 330, 331, 332, 363, 364, 371 (2), 373, 386 (2), 439(3), 439 (4), 441, 442, 445, 466, 481 except clause (a) of sub-section (1).

(3) The Transport Manager shall not, except with the prior approval of the Transport Committee, make an order under sub-section (1) affecting his powers, duties or functions under any of the following provisions, namely :—

43 (5), 67 (4)(b), 67 (4)(c), 71 (2), 73, 97, 344, 346, 348, 354, 355, 356, 358, 362, 481 except clause (a) of sub-section (1).

70. The Corporation may at any time call for any extract from any proceedings of any Committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which any such Committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the Committee or sub-committee, as the case may be, without unreasonable delay.

71. (1) The Corporation may at any time require the Commissioner, —

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filled in his office or in the office of any municipal officer or servant subordinate to him ;

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the City ;

(c) to furnish a report by himself or to obtain from any officer subordinate to him and furnish, with his own remarks thereon, a report, upon any subjects concerning or connected with the administration of this Act or the municipal government of the City.

(2) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition :

Provided that, if, on such requisitions as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interest of the Corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid.

(3) If at such meeting, or any meeting subsequent thereto, the Corporation shall report the requisition, and it shall then still appear to the Commissioner in expedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the Corporation to elect one councillor who with the Mayor and the Chairman of the Standing Committee or, if the Mayor is also Chairman of the Standing Committee, with the Mayor and one member of its own body elected by the Standing Committee shall form a committee who shall engage to keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed them; and to whom the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition.

(4) The said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time. Such decision, of the Committee shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof, where also the Commissioner shall be bound to produce documents and to make any report or statement requisite to give effect to the decision of the committee when called on to do so by the Corporation.

(5) In their application to matters relating to the Transport Undertaking the provisions of sub-sections (1) to (4) shall have effect as if for the word "Commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had been substituted.

72. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act which will involve expenditure shall, except in any case specified in sub-section (2) of section 86 or in sub-section (2) of section 355, be subject to the conditions that—

Exercise of powers to be subject to sanction by Corporation of the necessary expenditure.

(a) such expenditure, so far as it is to be incurred in the official year in which such powers exercised or duty performed, is provided for under a current budget grant; and

(b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, the sanction of the Corporation is taken before liability for such expenditure is incurred.

CHAPTER VII

CONTRACTS

73. 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 :—

Power to Commissioner to execute contracts on behalf of Corporation

(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 some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly given ;

(c) no contract which will involve an expenditure exceeding ¹[three lakh rupees] or such higher amount as the Corporation may, with the approval of the ²[State] Government, from time to time prescribe, shall be made by the Commissioner unless the same is previously approved by the Standing Committee :

³[Provided that, where the previous approval of the Standing Committee is sought by the Commissioner for any contract for the purposes of Chapter XII and XIII, the Standing Committee shall consider and dispose of the proposal made by the Commissioner in that behalf within fifteen days from the date on which the item is first included in the agenda of any meeting of that Committee, failing which, the approval to such contract shall be deemed to have been given by the Committee, and a report to that effect shall be made by the Commissioner to the Corporation;]

(d) every contract made by the Commissioner involving an expenditure exceeding ⁴[fifty thousand rupees] and not exceeding ⁵[three lakh rupees] or such higher amount as may for the time being be prescribed 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.

Mode of executing contracts. 74. (1) The mode of executing contracts under this Act shall be as prescribed by rules.

(2) No contract which is not made in accordance with the provisions of this Act and the rules shall be binding on the Corporation.

Contracts relating to Transport Undertaking 75. For the purpose of contracts relating exclusively to the Transport Undertaking the provisions of section 73 and those of Chapter V of the Schedule shall apply as if for the word "Commissioner" wherever it occurs the words "Transport Manager" and for the words "Standing Committee" wherever they occur the words "Transport Committee" had been substituted.

CHAPTER VIII

MUNICIPAL PROPERTY

Acquisition of Property

Power of Corporation as to acquisition of property. 76. (1) The Corporation shall, for the purposes of this Act, have power to acquire and hold movable and immovable property or any interest therein whether within or without the limits of the City.

¹ These words were substituted for the words " five thousand rupees " by Mah. 12 of 1993, s. 15(a)

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ This proviso was added by Mah. 28 of 1990, s. 5.

⁴ These words were substituted for the words "one thousand rupees" by Mah. 12 of 1993, s. 15(b)(i).

⁵ These words were substituted for the words "five thousand rupees", *ibid.*, s. 15 (b)(ii).

(2) All immovable and other property, wherever situate, which on the date immediately preceding the appointed day vested—

(a) in any municipality or local authority which has been superseded by or under this Act in consequence of the inclusion in the City of the area for which it was constituted, or

(b) in ¹[Government] by reason of the supersession or dissolution of such municipality or local authority under any law relating to such municipality or authority,

shall upon and after the said day vest in and be held by the Corporation having jurisdiction in such City as trustees for the purposes of this Act but subject to all trusts, charges and liabilities affecting the same.

(3) All primary schools, with their lands, buildings, records and equipment, and all other properties, movable or immovable, which on the date immediately preceding the appointed day vested, under the provisions of section 12 of the Bom. LXI of 1947. Bombay Primary Education Act, 1947, in the District School Board of the district in which such City is situate in respect of any area which is included in such City shall, upon and after the said day, vest in, and be held by, the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same:

Provided that in the event of any question, dispute or doubt arising as to whether any particular property shall so vest in and be held by the Corporation, the matter shall be referred to the ²[State] Government whose decision thereon shall be final.

(4) The ²[State] Government may, by order in writing, direct that any immovable or other property situate in, or pertaining to an area included within the limits of any City which, on the appointed day, was vested in a local authority whose jurisdiction extended beyond such area shall vest in and be held by the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same.

(5) Any immovable property which may be transferred to the Corporation by the Government shall be held by it subject to such conditions, including resumption by the Government on the occurrence of a specified contingency, and shall be applied to such purposes as the Government may impose or specify when the transfer is made.

77. (1) Whenever it is provided by this Act that the Commissioner may acquire, ²Acquisition of immovable property. or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee either generally for any class of cases or specially in any particular case.

(2) Whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee as aforesaid.

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

² This word was substituted for the word "Provincial" *ibid.*

(3) The Commissioner may on behalf of the Corporation acquire by agreement any easement affecting any immovable property vested in the Corporation, and the provisions of sub-sections (1) and (2) shall apply to such acquisition.

Procedure when immovable property cannot be acquired by agreement. 78. (1) Whenever the Commissioner is unable under section 77 to acquire by agreement any immovable property or any easement affecting any immovable property vested in the Corporation or whenever any immovable property or any easement affecting any immovable property vested in the Corporation is required for the purposes of this Act, the ¹[State] Government may, in its discretion, upon

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

- (b) all proceeds of the disposal of property by or on behalf of the Corporation,
- (c) all rents accruing from any property of the Corporation,
- (d) all money raised by any tax levied for the purposes of this Act,
- (e) all fees and fines payable and levied under this Act or under any rule, by-law, regulation or standing order other than fines imposed by a Court,
- (f) all moneys received by way of compensation or for compounding offences under the provisions of this Act,
- (g) all moneys received by or on behalf of the Corporation from the Government or public bodies, private bodies or private individuals by way of grant or gift or deposit subject, however to the conditions, if any, attached to such grant, gift or deposit, and
- (h) all interest and profits arising from any investment of, from any transaction in connection with, any money belonging to the Corporation.

shall be credited to a fund which shall be called "the Municipal Fund" and which shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions herein contained.

¹82-A. The State Government may, under appropriation duly made in this behalf, make a grant to each Corporation every year of such amount as it may, from time to time, determine, having regard to the proceeds of the land revenue and non-agricultural assessment levied and collected under the Maharashtra Land Revenue Code, 1966 and the entertainments duty levied and collected under the Bombay Entertainments Duty Act, 1923, by it in the area within the jurisdiction of the Corporation. The grant shall be made in such manner and shall be subject to such terms and conditions, as the State Government may, from time to time, determine. All moneys received by the Corporation by way of such grants shall be credited to the Municipal Fund.]

Annual grant by State Government from proceeds of land revenue, non-agricultural assessment and entertainments duty.

²[Provided that it shall be competent for the State Government to deduct,—

- (a) from the grants made by the State Government, or
 - (b) from any sum representing grant-in-aid or the share of the Corporation in the net proceeds of the taxes, duties, tolls and fees levied by the State and distributed by the State Government on the recommendation of the Finance Commission,
- any amount which is due to the State Government, or to any Government Corporation, a Government Company, or to any other statutory authority constituted by the Government of Maharashtra :

Provided further that before making such deductions, the Corporations say, in the matter shall be considered by Government.]

83. All moneys payable to the credit of the Municipal Fund shall be received by the Commissioner and shall be forthwith paid into the Imperial Bank of India ³[or any other scheduled bank] ⁴[or an approved co-operative bank] to the credit of an account which shall be styled "the account of the Municipal Fund of"

Commissioner to receive payments on account of Municipal Fund and to lodge them in a bank.

Provided that the Commissioner may, subject to any general or special directions issued by the Standing Committee, retain such balances in cash as may be necessary for current payments :

¹ Section 82A was inserted by Mah. 63 of 1975, s. 7.

² This proviso was added by Mah. 41 of 1994, s. 69.

³ These words were substituted for the words "or such other bank or banks as the Corporation, with the previous sanction of the State Government may select" by Bom. 10 of 1953, s. 3.

⁴ These words were inserted by Bom. 19 of 1954, s. 4(I).

¹Provided further that the amount of money to be paid into an approved co-operative bank shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

How the Fund shall be drawn against 84. (1) Subject to the provisions of section 449 no payment shall be made by any bank aforesaid out of the Municipal Fund except on a cheque signed by the Chief Accountant or the Deputy Accountant or, if there be no post of Deputy Accountant by the officer immediately subordinate to the Chief Accountant and by the Commissioner or the Deputy Commissioner or the Assistant Commissioner.

(2) Payment of any sum due by the Corporation in excess of one hundred rupees or such higher amount as the Standing Committee from time to time fixes generally or for any specified class of payments shall be made by means of a cheque signed as aforesaid and not in any other way.

(3) Payments not covered by sub-section (2) may be made by the Commissioner in cash and cheques for sums not in excess of two thousand rupees each, signed as aforesaid may be drawn from time to time to cover such payments of the amount of cash in hand is insufficient for the purpose.

Deposit of portion of Municipal Fund may be made with bank or agency out of City when convenient. 85. Notwithstanding anything contained in sections 83 and 84 the Commissioner may, with the previous approval of the Standing Committee, from time to time, remit to and deposit with a bank or other agency at any place beyond the City any portion of the Municipal Fund, and any moneys payable to the credit of the Municipal Fund or chargeable there against which can, in the opinion of the Commissioner, be most conveniently paid into or out of the account of the Corporation at any such bank or agency, may be so paid.

Restriction on expenditure from Municipal Fund. 86. (1) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the Municipal Fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget grant is still available notwithstanding any reduction or transfer thereof which may have been made under the rules.

(2) The following items shall be excepted from the prohibition in sub-section (1), namely :—

(a) sums of which the expenditure has been sanctioned by the Standing Committee under section 102 ;

(b) temporary payments under section 90 for works urgently required in the public service ;

(c) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make ;

(d) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the Municipal Fund by mistake ;

(e) sums which under any provision of this Act or any other enactment are payable by way of compensation ;

(f) sums payable in any of the circumstances mentioned in clause (h) of section 88 ;

(g) expenses incurred by the Commissioner in exercise of the powers conferred upon him by section 319 ;

(h) costs incurred by the Commissioner under clause (c) of sub-section (3) of section 67.

¹ This proviso was inserted by Bom. 19 of 1954, s. 4(2).

87. Whenever any sum is expended by the Commissioner under clause (e), (f) (g) or (h) of sub-section (2) of section 86 he shall forthwith communicate the circumstances to the Standing Committee, who shall take such action under the rules or recommend the Corporation to take, under section 101 or under the rules, such action as shall in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Procedure when money not covered by budget grant is expended under clause (e), (f), (g) or (h) of sub-section (2) of section 86.

88. The moneys from time to time, credited to the Municipal Funds shall be applied in payment of all sums, charges, and costs necessary for carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act or of any other law for the time being in force inclusive of—

Purpose for which Municipal Fund is to be applied.

(a) the expenses of every ward election ;

(b) the salary, joining time allowances and other allowances of the Commissioner and of leave and pension contribution, if any, payable on his account to the [State] Government ;

(c) the salaries and other allowances of all municipal officers and servants and all contributions to provident funds, pensions, gratuities and compassionate allowances payable under the provisions of this Act or the regulations or of the statment framed under this Act for the time being in force ;

(d) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation ;

(e) the grant payable under section 44 of the Bombay Primary Education Act, 1947, to the Primary Education Fund maintained thereunder for the City :

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(f) the loans advanced under the rules for building purposes ;

(g) any sum chargeable under section 108 ;

(h) every sum payable—

(i) under section 422 or sub-section (1) of section 449 to the [State] Government ;

(ii) under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner, Deputy Commissioner or Assistant Commissioner *ex-officio* ;

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 481 ;

(i) contributions to public institutions ;

(j) expenses incurred on the provision of traffic signs.

89. Expenditure by the Corporation out of the Municipal Fund shall, save as otherwise provided by this Act, be made within the City only, but may, by a resolution of the Corporation supported by not less than half the total number of councillors, be made outside the City for any of the purposes of this Act.

Municipal Fund where to be expended.

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

Temporary Payments from Municipal Funds for works urgently required for public service. 90. (1) On the written requisition of such officer as the ¹[State] Government may specially authorise in this behalf the Commissioner may at any time undertake the execution of any work certified by such officer to be urgently required in the public service, and for this purpose may temporarily make payments from the Municipal Fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration.

(2) The cost of all work executed under sub-section (1) and of the establishment engaged in executing the same shall be paid by the ¹[State] Government and credited to the Municipal Fund.

(3) On receipt of a requisition under sub-section (1) the Commissioner shall forthwith forward a copy thereof to the Corporation, together with a report of the action taken by him thereon.

Special Funds.

Constitution of Special Funds. 91. ²[Save as otherwise provided by this Act, the Corporation] may constitute such special funds as are prescribed by rules and such other funds as may be necessary for the purposes of this Act. The constitution and disposal of such funds shall be effected in the manner prescribed by rules.

Establishment of Consolidated Water Supply and Sewage Disposal Loan Fund. ³91A. (1) The Corporation shall establish and set apart for the purposes of budget estimate 'C' a separate fund to be called "the Consolidated Water Supply and Sewage Disposal Loan Fund" for the purposes of carrying into effect the provisions of Chapters XII and XIII.

(2) The following moneys shall be credited to the said Loan Fund, namely :—

(a) any sums borrowed in exercise of the powers conferred by or under this Act for the purposes of Chapters XII and XIII ;

(b) such portion of the sinking fund referred to in section 112 as the Corporation may, from time to time determine.

(3) The fund so established shall be applied for :—

(a) the expenditure on capital works for the purposes of Chapters XII and XIII ;

(b) the repayment of the loans raised for such capital works.

(4) Any moneys of the said fund, not used or not immediately to be used in accordance with sub-section (3), shall be invested by the Commissioner, on behalf of the Corporation, with the sanction of the Standing Committee, in such manner as he deems fit and proper.

Establishment of water and Sewage Fund. 91B. (1) The Corporation shall establish and set apart a separate fund to be called "the Water and Sewage Fund".

(2) All moneys received by or on behalf of the Corporation under clause (a) or (b) of section 129 or under sections 134 to 138 (both inclusive) or any other moneys received for the purposes of Chapters XII and XIII shall be credited to the Water and Sewage Fund.

(3) All moneys payable to the credit of the said Fund shall be received by the Commissioner and forthwith paid by him into the Bank or Banks approved by the Standing Committee from time to time in this behalf to the credit of account, which shall be styled "the Account of the Water and Sewage Fund" :

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

² These words were substituted for the words "The Corporation" by Mah. 28 of 1990, s. 6.

³ These sections were inserted *ibid* s. 7.

Provided that, the Commissioner may retain such balance in cash as may be necessary for the purposes of Chapters XII and XIII.

(4) The moneys credited to the said Fund from time to time shall be applied only for payment of all sums, charges and costs necessary for the purposes of carrying into effect the provisions of Chapters XII and XIII.

(5) Surplus moneys at the credit of the said Fund which cannot immediately or at an early date be applied as provided in sub-section (4) may, from time to time, be deposited by the Commissioner at interest in the Bank or Banks approved by the Standing Committee or be invested in public securities.

(6) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation, with the sanction of the Standing Committee, and with the like sanction, the Commissioner may at any time withdraw any deposits so made or dispose of any securities and re-deposit or re-invest the moneys so withdrawn or the proceeds of the disposal of the securities ; but no order for making any such deposit or investment or withdrawal or disposal shall have any validity, unless the same be in writing signed by two persons in the manner specified in sub-section (1) of section 84 for signing cheques.

(7) The loss, if any, arising from any such deposit or investment shall be debited to the Water and Sewage Fund.]

Disposal of Balances.

92. (1) Surplus money's at the credit of the Municipal Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the Imperial Bank of India ¹[or any other scheduled bank] ²[or an approved co-operative bank] ³[or deposited with the State Government or with any statutory corporation approved by the State Government] or be invested in public securities : ⁴[Provided that the amount of money to be deposited in an approved co-operative bank shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.] Investment of surplus money.

(2) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation with the sanction of the Standing Committee and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and re-deposit or reinvest the money so withdrawn or the proceeds of the disposal of such securities.

(3) The loss, if any arising from any such deposit or investment shall be debited to the Municipal Fund.

Accounts.

93. Subject to the provisions of section 361 of the Bombay Primary Education Act, 1947, and the rules made thereunder, accounts of the receipts and expenditure of the Corporation shall be kept in such manner and in such forms as the Standing Committee shall from time to time direct: Accounts to be kept in forms prescribed by Standing Committee.

⁵[Provided that, the accounts of the Consolidated Water Supply and Sewage Disposal Loan Fund and the Water and Sewage Fund shall be maintained on the accrual basis, unless otherwise directed by the Standing Committee.]

¹ These words were substituted for the words and figures "or in any other bank selected by the Corporation with the sanction of the State Government for the purposes of section 83" by Bom. 10 of 1953, s. 4.

² These words were inserted by Bom. 10 of 1954, s. 5(1).

³ This portion was added by Mah, 7 of 1986 s. 3.

⁴ This proviso was inserted by Bom, 19 of 1954 s. 5(2).

⁵ The proviso was added by Mah, 28 of 1990, s. 8.

Preparation of annual administration report and statement of accounts.

94. (1) The Commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of the City, other than the administration of the Transport Undertaking, during the previous official year, together with a statement showing the amounts of the receipts and disbursements credited and debited to the Municipal Fund during the said year and the balance at the credit of the Fund at the close of the said year and shall submit the same to the Standing Committee.

(2) The report shall be in such form and shall contain such information as the Standing Committee may from time to time direct.

(3) After examination and review of the report and statement by the Standing Committee a printed copy of such report and statement together with copy of the Committee's review shall be forwarded to the usual or last known local place of abode of each councillor by such date as the Standing Committee may from time to time prescribe and copies thereof shall be placed on sale at the municipal office at such price as the Commissioner may fix.

Annual Budget Estimate.

Estimates of income and expenditure to be prepared annually by Commissioner.

95. The Commissioner shall each year on or before such date as the Corporation may from time to time prescribe have prepared and lay before the Standing Committee, in such form as the Committee shall from time to time approve,—

(a) an estimate, classified in accordance with the rules, of the expenditure when must or should, in his opinion, be incurred by the corporation in the next official year from the Municipal Fund including the amount of grant payable by the Corporation to the Primary Education Fund, and of the amounts, if any, which should, in his opinion be created to, or expended from, a special fund ; [including the Funds established under sections 91A and 91B];

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the official year ;

(c) an estimate of the Corporation's receipts and income for the next official year other than from taxation and from the Transport Undertaking ;

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next official year and an estimate of the receipts from taxation ;

(e) an estimate of the amounts due to be transferred during the next official year from the Transport fund.

²[Provided that a separate estimate of the income and expenditure of the Corporation for the next official year in respect of services under Chapter XII and Chapter XIII shall be prepared.]

Explanation.—The balance, if any, available in any special fund shall not be deemed to be available for reappropriation or expenditure at the commencement of the next official year under clause (b) except in relation to expenditure which may be met from such fund under the rules, and the Commissioner shall determine whether the whole or any part of such balance shall be taken into account as available for such expenditure at the commencement of the next official year.

¹ These words, figures and letters were added, by Mah. 28 of 1990, s. 9.

² This proviso was inserted by Mah. 41 of 1994, s. 70.

¹[95A. (1) Notwithstanding anything contained in this Chapter, the Commissioner or, as the case may be, the Transport Manager, shall, while submitting the budget estimates to the Standing Committee append thereto, a report indicating whether the following services were provided in the last preceding year in a subsidised manner and, if so, the extent of the subsidy, the source from which the subsidy was met and the sections or categories of the local population who were the beneficiaries of such subsidy, namely :—

- (a) water-supply and disposal of sewage,
- (b) scavenging, transporting and disposal of wastes,
- (c) municipal transport, and
- (d) street lighting.

(2) The Standing Committee or, as the case may be, the Transport Committee shall examine the report and place it before the Corporation with its recommendations, if any.

Explanation.—A service shall be construed as being provided in a subsidised manner if its total cost, comprising the expenditure on operation and maintenance and adequate provision for depreciation of assets and for debt servicing, exceeds the income relatable to the rendering of that service.]

96. (1) The Standing Committee shall consider the estimates and proposals of the Commissioner and after having obtained from the Commissioner such further detailed information, if any, as it shall think fit to require and having regard to all the requirements of this Act, shall frame therefrom subject to such modifications and additions therein or thereto as it thinks fit ²[two budget estimates for the next official year, as follows :—

- (a) budget estimate 'A' of the income and expenditure other than—
 - (i) the income and expenditure for the purposes of Chapters XII and XIII ;
 - (ii) the income and expenditure in respect of the Transport Undertaking,
- (b) budget estimate 'C' of the income and expenditure for the purposes of Chapters XII and XIII.]

(2) In budget estimate "A" the Standing Committee shall—

(a) propose with reference to the provisions of Chapter XI such rates and extent of municipal taxes ³[other than those referred to in clause (a) of sub-section (A2),] as it thinks fit ;

(b) allow for the appropriation to any special fund of the sum estimated by the Commissioner, revised as it thinks proper :

(c) provide for payment, as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act other than sums and instalments of principal and interest for which the Corporation may be liable by reason of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking ;

(d) provide for such expenditure, if any, as it considers necessary to defray from the balance in any special fund ;

(e) allow for a cash balance at the end of the said year exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such smaller amount as the Provincial Government may from time to time approve.

¹ Section 95A was inserted by Mah. 41 of 1994, s. 71.

² This portion was substituted for the portion beginning with the words " a Budget Estimate" and ending with the words "Official year" by Mah. 28 of 1990, s. 10(a).

³ These words, brackets, letters and figure were inserted *ibid*, s. 10(b).

4(2A) In budget estimate 'C' the Standing Committee shall—

(a) propose with reference to the provisions of Chapter XI such rates and extent of such municipal taxes, namely, water tax, water benefit tax, sewerage tax, and sewerage benefit tax, or, where applicable conservancy tax, as it thinks fit for the purposes of Chapters XII and XIII ;

(b) state the estimate of receipt of the aforesaid taxes or of any other receipts ;

(c) provide for payment as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act in respect of matters falling under Chapters XII and XIII ;

(d) provide for such expenditure, if any, as the Commissioner considers necessary to be incurred by the Corporation in the next official year for the purposes of Chapters XII and XIII.]

(3) The Commissioner shall cause the budget estimate framed by the Standing Committee to be printed and shall, by such date as the Corporation may from time to time prescribe, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

(4) The budget estimate framed by the Standing Committee shall be laid before the Corporation and it shall proceed to consider the same within fifteen days of the date referred to in sub-section (3).

Estimates of expenditure and income of the Transport Undertaking to be prepared annually by Transport Manager. 97. The Transport Manager shall each year, on or before such date as the Corporation may from time to time fix, have prepared and lay before the Transport Committee, in such form as the Committee shall from time to time approve,—

(a) an estimate, classified in accordance with the rules, on the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing official year on account of the Transport Undertaking and of the amounts, if any, which should in his opinion be credited to, or expended from a special fund ;

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next ensuing official year, and an estimate of the amounts to be transferred to the Municipal Fund during the next ensuing financial year under section 359 and 360 .

(c) an estimate of the Corporation's receipts and income from the Transport Undertaking in the next ensuing official year.

Explanation.—The balance, if any, available in any special fund shall not be deemed to be available for reappropriation or expenditure at the commencement of the next official year under clause (b) except in relation to expenditure which may be met from such fund under the rules, and the Transport Manager shall determine whether the whole or any part of such balance shall be taken into account as available for expenditure at the commencement of the next official year.

Budget Estimate 'B' to be prepared by Transport Committee. 98. (1) The Transport Committee shall consider the estimates of the Transport Manager, and after having obtained from the Transport Manager such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit a budget estimate, to be called "budget estimate " B " of the income and expenditure for the next official year to be received and incurred in respect of the Transport Undertaking.

¹ Sub-section (2A) was inserted, by Mah. 28 of 1990. s. 10(c).

(2) In budget estimate 'B' the said Committee shall—

(a) provide for the payment, as they fall due, of all sums and of all instalment of principal and interest for which the Corporation may liable under this Act by reason of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking ;

(b) allow for the appopriation to any special fund of the sum estimated by the Transport Manager, revised as it thinks proper ;

(c) allow for the amounts to be transferred during the next ensuing official year to the Municipal Fund as provided in section 359 and 360 ;

(d) provide for such expenditure if any, as it considers necessary to defray from the balance in any special fund ;

(e) allow for a cash balance at the end of the said year exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such smaller amount as the Corporation may from time to time fix.

(3) The Transport Manager shall lay budget estimate 'B' as framed by the Transport Committee before the Standing Committee on or before such date as the Corporation may from time to time fix in this behalf and the Standing Committee shall prepare a report to the Corporation thereon, incorporating the remarks and recommendations, if any, of the Standing Committee.

(4) The Municipal Secretary shall cause budget estimate 'B' and the report of the Standing Committee thereon to be printed and shall, not later than such date as the Corporation may from time to time fix in this behalf forward a printed copy thereof to the usual or last known local place of abode of each councillor.

99. The Corporation shall, on or before the twentieth day of February, after considering the Standing Committee's proposals in this behalf, deretmine, subject to the limitations and conditions prescribed in Chapter XI, the rates at which municipal taxes referred to in sub-section (1) of section 127 shall be levied in the next ensuing official year and the rates at and the extent to which any of the taxes referred to in sub-section (2) of the said section which the Corporation decides to impose shall be levied in the next ensuing official year. Fixing of rates of taxes.

[99A. In the event of the Corporation deciding first time to levy cess specified, in clause (aa) of sub-section (2) of section 127, if the cess cannot, by following the provisions of section 99 and the other relevant provisions of this Act, be brought into force on the 1st day of April of any year, then in that case, notwithstanding anything contained in section 99, the Corporation may, in a special meeting called for the purpose, determine, subject to the limitations and conditions prescribed in Chapter XIA and the rules, the rates at and the extent to which and the date from which, the cess shall be levied; and thereupon, the cess shall be levied at the rates and from the date so determined, and all the relevant provisions of this Act shall, as far as may be, apply to the cess as if the procedure prescribed by section 99, and the other provisons of this Act had been followed.] Provisions of section 99 not to apply to cess to be first levied.

100. Subject to the requirements of section 99, the Corporation may refer budget estimate 'A' [or, budget estimate 'C' as the case may be,] back to the Standing Committee and budget estimate 'B' back to the Transport Committee for further consideration, or adopt the budget estimates or any revised budget estimates submitted to it, either as they stand or subject to such alterations as it deems expedient : Final adoption of budget estimates.

Provided that the budget estimates finally adopted by the Corporation shall fully provide for each of the matters specified in clauses (c) and (e) of

¹ Section 99A was inserted by Mah. 3 of 1996, s. 3.

² These words and letter were inserted by Mah. 28 of 1990, s. 11(a).

Corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued or in respect of which such payment has been made, as the case may be—

(a) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 121 or from the date of the last payment of interest on the original debenture, whichever date is later;

(b) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof; and

(c) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 121.

125. Notwithstanding anything in section 122, the Commissioner may in any case arising thereunder—

(1) issue a renewed debenture upon receiving such indemnity in favour of the Corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(2) refuse to issue a renewed debenture unless such indemnity is given.

126. (1) The Commissioner shall, at the end of each year, prepare a statement showing—

(a) the loans borrowed in previous years for which the Corporation is liable and which have not been completely repaid before the commencement of the year, with particulars of the amount outstanding at the commencement of the year, the date of borrowing and the annual loan charges;

(b) the loans borrowed by the Corporation in the year with particulars as to the amount and the date of borrowing and the annual loan charges;

(c) in the case of every loan for which a sinking fund is maintained the amount of accumulation on the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year;

(d) the loans repaid in the year and in the case of the loans repaid in instalments or by annual drawings, the amounts repaid in the year, and the balance due at the close of the year;

(e) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the *Official Gazette* and a copy of such statement shall be sent to the [State] Government and to the Accountant General, Bombay.

CHAPTER XI

MUNICIPAL TAXATION

127. (1) For the purposes of this Act, the Corporation shall impose the following taxes, namely :—

(a) property taxes;

(b) a tax on vehicles, boats and animals.

(2) In addition to the taxes specified in sub-section (1) the Corporation may for the purposes of this Act and subject to the provisions thereof impose any of the following taxes, namely—

(a) octroi;

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

Annual statement to be prepared by Commissioner.

Taxes to be imposed under this Act.

¹[(aa) a cess on entry of goods into the limits of the city for the consumption, use, or sale therein to be levied in lieu of Octroi with the previous sanction of the State Government ;]

2* * * * *

(c) a tax on dogs;

(d) a theatre tax;

(e) a toll on animals and vehicles, 3* * * * *
entering the City;

*[(f) any other tax ⁴(not being a tax on professions, trades, callings and employments),] which the ⁵[State] Legislature has power under the ⁶[Constitution] to impose in the ⁷[State].

⁸[(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2), Bom. no tax or toll shall be levied on motor vehicles save as provided in section 20 of the- LXV Bombay Motor Vehicles Tax Act, 1958]. of 1958.

(3) The municipal taxes shall be assessed and levied in accordance with the provisions of this Act and the rules.

*[(4) Nothing in this section shall authorise the imposition of any tax which the ⁵[State] Legislature has no power to impose in the ⁶[State] under the ⁶[Constitution].

Manner of recovering municipal taxes. **128.** A municipal tax may be recovered by the following processes in the manner prescribed by rules :—

- (1) by presenting a bill,
- (2) by serving a written notice of demand.
- (3) by distraint and sale of a defaulter's movable property,
- (4) by the attachment and sale of a defaulter's immovable property,
- (5) in the case of octroi and toll, by the seizure and sale of goods and vehicles,
- (6) in the case of property tax by the attachment of rent due in respect of the property,
- (7) by a suit.

Property Taxes

Property taxes leviable

Property taxes of what to consist and at what rate leviable. **129.** For the purposes of sub-section (1) of section 127 property taxes shall comprise the following taxes which shall, subject to the exceptions, limitations and conditions hereinafter provided, be levied on buildings and lands in the City :—

(a) a water tax at such percentage of their rateable value as the Corporation shall deem reasonable, for providing a water supply for the City;

¹ This clause was inserted by Mah. 3 of 1966, s. 4.

² Clause (b) was deleted by Mah. 16 of 1975, Schedule II.

³ The words and figures "other than motor vehicles or trailers, save as provided in section 14 of the Bombay Motor Vehicles Tax Act, 1935" were deleted by Bom. 65 of 1958, s. 25, Third Schedule.

⁴ These brackets and words were inserted by Mah. 16 of 1975, Schedule II.

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶ This word was substituted for the portion "Government of India Act, 1935", *ibid.*

⁷ This word was substituted for the word "Province", *ibid.*

⁸ This sub-section was inserted by Bom. 65 of 1958, s. 25, Third Schedule.

* Clause (f) of sub-section (2) and sub-section (4) of section 127 stand unmodified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

¹[(aa) an additional water tax which shall be called "the water benefit tax" at such percentage of their rateable value as the Corporation may consider necessary for meeting the whole or part of the expenditure incurred or to be incurred on capital works for making and improving the facilities of water supply;]

²[(b) conservancy tax or the sewerage tax at such percentage of their rateable value, as the Corporation may consider necessary for the collection, removal and disposal of human waste and other wastes;

(bb) an additional conservancy or sewerage tax which shall be called "the sewerage benefit tax" at such percentage of their rateable value as the Corporation may consider necessary for meeting the whole or a part of the expenditure incurred or to be incurred on capital works for making and improving the facilities for the collection, removal and disposal of human waste and other waste;]

(c) a general tax of not less than twelve per cent. of their rateable value which may be levied, if the Corporation so determines, ³* * * * ⁴[together with not less than one-eighth and not more than ⁵[two per centum] of their rateable value added to the general tax in order to provide for the expenses necessary for fulfilling the duties of the Corporation imposed or arising by or under clause (5) of section 63 and Chapter XVII];

Provided that the Corporation may, when fixing under section 99 or section 150 the rate at which general tax shall be levied for any official year or part of an official year, determine that the rate leviable in respect of buildings and lands or portions of buildings and lands in which any particular class of trade or business is carried on shall be higher than the rate fixed in respect of other buildings and lands or portions of buildings and lands by amount not exceeding one-half of the rate so fixed.

Explanation.—Where any portion of a building or land is liable to a higher rate of the general tax such portion shall be deemed to be a separate property for the purpose of municipal taxation.

⁶[(d) the education cess, leviable under section 148A;

(e) the street tax, leviable under section 148C.];

⁷[Provided that all or any of the property taxes may be imposed on a graduated scale.]

⁸[129A.] ⁹[(1)] Notwithstanding anything contained in section 129 or any other provisions of this Act, whenever—

(a) a new ¹⁰[larger urban area is specified] under sub-section (2) of section 3 comprising wholly or partly, of an area of a *Zilla Parishad* ; or

(b) the limits of a ¹¹[larger urban area] are altered under sub-section (3) of section 3 so as to include any area or a *Zilla Parishad*,

Temporary provision for levying general tax at reduced rate in area of *Zilla Parishad* included in a ¹¹[larger urban area.]

¹ Clause (aa) was inserted by Mah. 28 of 1990, s. 12(a).

² These clauses were substituted for clause (b), *ibid.*, s. 12(b).

³ The words "on a graduated Scale" were deleted by Mah. 41 of 1994, s. 72(a).

⁴ These words, brackets and figures were inserted by Mah. 27 of 1975, s. 3.

⁵ These words were substituted for the words "three quarters per centum" by Mah. 12 of 1993 s. 16(a).

⁶ This clause was added by Mah. 12 of 1993, s. 16(b).

⁷ The proviso was added by Mah. 41 of 1994, s. 72(b).

⁸ This section was inserted by Mah. 29 of 1982, s. 7.

⁹ Section 129A was re-numbered as sub-section (1) thereof by Mah. 12 of 1993, s. 17.

¹⁰ These words were substituted for the words "City is constituted" by Mah. 41 of 1994, s. 73(a).

¹¹ These words were substituted for the words "city", *ibid.*, s. 73 (b).

then the general tax shall be levied on buildings and lands in the former *Zilla Parishad* area during the periods specified in column (1) of the Table hereto appended at the amounts specified against them in column (2) thereof, and such amounts shall not be liable to be increased under section 150 during the said periods :—

TABLE

Period (1)	Amount of General Tax (2)
1. Period from the date of inclusion of the area in the City upto and inclusive of the 31 st March ¹ [of the second year] following the year in which the area is included in the ² [larger urban area].	³ [The amount calculated at the rate of tax on lands and buildings payable in the area immediately before its inclusion in the City, under clause (i) of sub-section (1) of section 124 of the Bombay Village Panchayats Act, 1958 or clause (e) of sub-section (1) of section 157 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as the case may be (hereinafter in this Table referred to as "the amount of tax payable in the <i>Zilla Parishad</i> area").] Bom. III of 1959. Mah. V of 1962.
2. Period of one year following the period referred to in entry 1.	⁴ [20 per cent.] of the amount of general tax payable in the ² [larger urban area] or the amount of tax payable in the <i>Zilla Parishad</i> area, whichever is more.
3. Period of one year following the period referred to in entry 2.	⁵ [40 per cent.] of the amount of general tax payable in the ² [larger urban area] or the amount of tax payable in the <i>Zilla Parishad</i> area, whichever is more.
4. Period of one year following the period referred to in entry 3.	⁶ [60 per cent.] of the amount of the general tax payable in the ² [larger Urban area] or the amount of tax payable in the <i>Zilla Parishad</i> area, whichever is more.
⁷ 5. Period of one year following the period referred to in entry 4.	80 per cent. of the amount of general tax payable in the ² [larger Urban area] or the amount of tax payable in the <i>Zilla Parishad</i> area whichever is more.
6. Any period after the expiry of the period referred to in entry 5.	The same amount of general tax as in force and payable in the remaining area of the ² [larger Urban area].]

⁸[(2) The Corporation shall spend an amount worked out at the rate of not less than one-third of the *Per capita* expenditure incurred in the Corporation area for the year immediately the year of inclusion of the *Zilla Parishad* area or any such higher amount as may be feasible on development works in the newly included area for the periods mentioned in entries 1 to 5 in the Table in sub-section (1).]

¹ These words were substituted for the words "of the year" by 12 of 1993, s. 17(1)(a)(i).

² These words were substituted for the word "city" by Mah. 41 of 1994, s. 73 (b).

³ This paragraph was substituted, by 12 of 1993, s. 17(1)(a)(ii).

⁴ These figures and words were substituted for the figures and words "40 per cent." *ibid.*, 17(1)(b).

⁵ These figures and words were substituted for the figures and words "60 per cent.", *ibid.*, s.17(1)(c).

⁶ These figures and words were substituted for the figures and words "80 per cent." *ibid.*, s.17(1)(d).

⁷ These entries were substituted for entry 5, *ibid.*, s. 17 (1)(e).

⁸ Sub-section (2) was added, *ibid.*, s. 17(2).

130. (1) Subject to the provision of section 134, the water tax shall be levied only in respect of premises—

Water tax
[or water
benefit tax]
on what
premises
levied.

(a) to which private water supply is furnished from or which are connected by means of communication pipes with any municipal water works; or

(b) which are situated in a portion of the City in which the Commissioner has given public notice that the Corporation has arranged to supply water from municipal water works by means of private water connections or of public stand-posts, fountains or by any other means.

²[(2) The water benefit tax shall be levied in respect of all premises situated in the City.]

131. (1) The conservancy tax ³[or Sewerage Tax] shall be levied only in respect of premises—

Conservancy-
⁴[tax or
Sewerage
tax] on what
premises to
be levied.

(a) situated in any portion of the City in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cess-pools, will be undertaken by municipal agency; or

(b) in which, wherever situate, there is a privy, water-closet, cess-pool, urinal, bathing place or cooking place connected by a drain with a municipal drain :

Provided that the said tax shall not be levied in respect of any premises situated in any portion of the City specified in clause (a), in or upon, which in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(2) Premises in respect of which the Commissioner has directed that a separate water-closet, privy or urinal need not be provided shall be deemed to be liable to the levy of conservancy tax if, but for such direction, the tax would be leviable in respect thereof.

⁵[(3) The sewerage benefit tax shall be levied in respect of all premises situated in the City.]

132. (1) The general tax shall be levied in respect of all buildings and lands in the City except—

General
tax on what
premises
to be
levied.

(a) buildings and lands solely used for purposes connected with the disposal of the dead ;

(b) buildings and lands or portions thereof solely occupied and used for public worship or for a public charitable purposes;

(c) buildings and lands vesting in the ⁶[Government] used solely for public purposes and not used or intended to be used for purposes of trade or profit or

¹ These words were inserted, by Mah. 28 of 1990, s. 13(a).

² Sub-section (2) was added *ibid.*, s. 13(b).

³ These words were inserted, *ibid.*, s. 14(a).

⁴ These words were inserted, *ibid.*, s. 14(b).

⁵ Sub section (3) was added *ibid.*, s. 14(c).

⁶ This word was substituted for words "Crown" by the Adaptation of Laws Order 1950.

date of the institution of the suit until realisation, and such interest and the cost of enforcing the said charge, including the costs of the suit and the cost of bringing premises or movable property in question to sale under the decree, shall, subject as aforesaid, be a fresh charge on such premises and movable property alongwith the amount found to be due, and the Court may direct payment thereof to be made to the Corporation out of the sale proceeds.

Tax on Vehicle, Boats and Animals

142. (1) Except as hereinafter provided, a tax at rates not exceeding those prescribed by order in writing by the ¹[State] Government in this behalf from time to time shall be levied on vehicles, boats and animals of the descriptions specified in the order, when kept for use in the City for the conveyance of passengers or goods, in the case of vehicles and boats and for riding, racing, draught or burden in the case of animals :

Tax on vehicles, boats and animals.

Bom. LXV ²[Provided that no tax shall be levied on motor vehicles save as provided in section 20 of the Bombay Motor Vehicles Tax Act, 1958.]

1958. *Explanation.*—A vehicle, boat or animal kept outside the limits of the City but regularly within such limits shall be deemed to be kept for use in the City.

(2) The Corporation shall from year to year, in accordance with section 99, determine the rates at which the tax shall be levied.

143. (1) The said tax shall not be leviable in respect of—

(a) vehicles, boats and animals belonging to the Corporation other than vehicles or animals used exclusively for the purposes of the Transport Undertaking ;

Exemptions from the tax.

(b) vehicles, boats and animals vesting in the ³[Government] and used solely for public purposes and not used or intended to be used for purposes of profit including vehicles, boats and animals belonging to the Defence Forces ;

(c) vehicles and boats intended exclusively for the conveyance free of charge of the injured, sick or dead ;

(d) children's perambulators and tricycles ;

(e) vehicles belonging to municipal officers or servants who are required by the terms of their appointment to maintain a conveyance for the discharge of their duties :

Provided that the exemption granted by this clause will not be available in respect of more than one vehicle for each officer or in respect of a vehicle which does not belong to the class of conveyance which the officer is required to maintain ;

(f) vehicles or boats kept by *bona fide* dealers in vehicles or boats for sale, merely, and not used :

IV of 1939. Provided that a tax at such rate as the Corporation shall with the approval of the ¹[State] Government fix in this behalf shall be levied half yearly in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939.

(2) If any question arises under clause (b) of sub-section (1) whether any vehicle, boat or animal vesting in the ³[Government] is or is not used or intended to be used for purposes of profit, such question shall be determined by the ¹[State] Government whose decision shall be final.

144. The Commissioner may, with the approval of the Standing Committee, compound with any livery-stable-keeper or other person keeping vehicles or houses or bullocks for hire or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of lump-sum for any period not exceeding one year at a time, in lieu of the taxes leviable under section 142 which such livery-stable-keeper or other person or dealer would otherwise be liable to pay.

Livery-stable-keepers and others may be compounded with.

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

² This proviso was inserted by Bom 65 of 1958, s. 25, Third Schedule.

³ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

Power to inspect stables and summon persons liable to the tax.

145. (1) The Commissioner may make an inspection of any stable, garage or coach-house or any place wherein he may have reason to believe that there is any vehicle, boat or animal liable to a tax under this Act.

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of tax in respect of a vehicle, boat or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles boats and animals, owned by or in the possession or under the control of such person; and every person so summoned shall be bound to attend before the Commissioner and to give true information to the best of his knowledge or belief, as to the said matters.

Exemptions from Octroi

Exemption of articles belonging to [Government] from octroi, and refund of octroi on articles becoming property of [Government.]

146. (1) No octroi shall be leviable on any article which, at the time of this importation is certified by an officer empowered by the Government concerned in this behalf to be the property the [Government], to be used or intended to be used solely for public purposes and not to be used or intended to be used for purposes of profit.

(2) If any article on which octroi is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with the Government or otherwise for the use of the [Government], the full amount of the duty paid thereon shall be refunded on production, at any time within six months after importation, of a certificate signed by an officer empowered by the Government concerned in this behalf certifying that the article so imported has become the property of [Government] is used or intended to be used solely for a public purpose and is not used or intended to be used for purposes of profit.

Articles imported for immediate exportation.

147. Until the contrary is proved any goods imported into the City shall be presumed to have been imported for the purposes of consumption, use or sale therein unless such goods are conveyed from the place of import to the place of export by such routes, within such time, under such supervision and on payment of such fees therefor as shall be determined by the standing orders.

Exemptions from Theatre Tax

Exemptions from theatre tax.

148. The theatre tax shall not be leviable in respect of—

(a) any entertainment or amusement for admission to which no charge is made or only a nominal charge is made ;

(b) any entertainment or amusement which is not open to the general public on payment ;

(c) any entertainment or amusement the full proceeds of which, without the deduction of expenses, are intended to be utilised for a public charitable purpose

²(d) any entertainment exempted by the Commissioner of Police, the District Magistrate or the State Government from the entertainment duty under the Bombay Entertainments Duty Act, 1923.]

Explanation.—For the purposes of this section a nominal charge shall be such charge as may be fixed by the rules. Bom.
1 of
1932.

³Education Cess.

Levy of education cess.

148A. (1) For the purposes of clause (15) of section 63, the Corporation may * * * * * levy within its area an additional tax on buildings and lands (hereinafter referred to as "the education cess"), of so many *per centum*, not exceeding five, of the rateable value, as the Corporation may, determine. Such tax may be levied, if the Corporation so determines, on a graduated scale :

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

² Clause (d) was inserted by Mah. 27 of 1975, s. 4.

³ These headings and sections were inserted by Mah. 12 of 1993, s. 18.

⁴ The words "with the previons sanction of the State Government" were deleted by Mah. 20 of 1995, s. 5.

Provided that,—

- (a) all buildings and lands vesting in the Central Government ;
- (b) all other buildings and lands exempted from the general tax under section 132 ;
- (c) all buildings and lands of a rateable value below such sum as the Corporation may determine,

shall be exempted from the levy of education cess.

(2) The Corporation may require the Commissioner to recover the amount of the education cess determined under sub-section (1) by an addition to the general tax levied under this Act. Every addition to the general tax imposed under this sub-section shall be recovered by the Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of section 139 and 140 shall apply to the education cess as if it were a part of the general tax levied under this Act.

148B. (1) With effect from the first day of April 1993, and in respect of the period during which the education cess is levied under section 148A, the State Government shall pay to the Corporation annually, in lieu of the education cess from which buildings and lands vesting in the State Government are exempted by virtue of clause (b) of the proviso to sub-section (1) of section 148A (hereinafter, in this section, referred to as "the exempted buildings and lands"), a sum ascertained in the manner provided in sub-section (2). Payment to be made to Corporation in lieu of education cess by State Government.

(2) The sum to be paid annually to the Corporation by the State Government shall be eight-tenths of the amount which could be, or would have been, payable by an ordinary owner of buildings or lands in the City, on account the education cess, on the rateable value of the same amount as that fixed under sub-section (2) of section 133 in respect of the exempted buildings and lands.

Street Tax

148C. (1) The Corporation may, for the purposes of clause (18) of section 63, levy within its area, an additional tax on buildings and lands (hereinafter referred to as "the street tax"), of so many *per centum*, not exceeding ten of their rateable value, as the Corporation may, from time to time, determine : Levy of street tax.

Provided that,—

- (a) all buildings and lands vesting in the Central Government,
- (b) all other buildings and lands exempted from the general tax under section 132,
- (c) all buildings and lands of a rateable value below such sum as the Corporation may determine,

shall be exempted from the levy of street tax.

(2) The Corporation may require the Commissioner to recover the amount of the street tax determined under sub-section (1) by an addition to the general tax levied under this Act. Every addition to the general tax imposed under this sub-section shall be recovered by the Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 139 and 140 shall apply to the street tax as if it were a part of the general tax levied under this Act.

Other taxes

149. (1) In the event of the Corporation deciding to levy any of the taxes specified in sub-section (2) of section 127, it shall make detailed provisions, in so far as such provision is not made by this Act, in the form of rules, modifying, amplifying or adding to the rules at the time in force for the following matters, namely :— Procedure to be followed in levying other taxes.

- (a) the nature of the tax, the rates thereof the class or classes of person, articles or properties liable thereto and the exemptions therefrom, if any, to be granted:

(b) the system of assessment and method of recovery and the powers exercisable by the Commissioner or other officers in the collection of the tax;

(c) the information required to be given of liability to the tax ;

(d) the penalties to which person evading liability or furnishing incorrect or misleading information or failing to furnish information may be subjected;

(e) such other matters not inconsistent with the provisions of this Act, as may be deemed expedient by the Corporation:

Provided that no rules shall be made by the Corporation in respect of any tax coming under clause (f) sub-section (2) of section 127 unless the ¹[State] Government shall have first given provisional approval to the selection of the tax by the Corporation.

(2) The rules shall be submitted by the Corporation to the ¹[State], Government and the ¹[State] Government may either refuse to sanction them or refer them back to the Corporation for further consideration or sanction them either as they stand or with such modifications as it thinks fit, not, however, involving an increase in the rate or rates of the levy or the extent thereof.

(3) Any sanction given by the ¹[State] Government under sub-section (2) shall become operative on such date not earlier than one month from the date of the sanction as the ¹[State] Government shall specify in the order of sanction, and the Corporation shall be competent to levy the tax covered by the sanction as from the date so specified.

(4) The Corporation and the ¹[State] Government shall take such steps as may be practicable to ensure that the date specified in the order of sanction is the first day of April, unless the sanction is given in pursuance of a proposal for supplementary taxation under section 150:

Provided that nothing in sub-section (4) shall affect the power of the Corporation to levy a tax as from a date later than the first day of April if the sanction of the ¹[State] Government is not given by the first day of March immediately preceding and if the ¹[State] Government in the order of sanction specifies a date later than the first day of April for the commencement of the levy of the tax.

(5) The provisions of this section shall apply, as far as may be, to any alteration which the Corporation may from time to time decide to make in the rates fixed for any tax, or in the class or classes of persons, articles, or properties liable thereto or in the exemptions therefrom, if any to be granted.

Supplementary Taxation

Any tax imposable under this Act may be increased or newly imposed by way of supplementary taxation.

150. Whenever the Corporation determines under section 104 to have recourse to supplementary taxation in any official year, it shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied, subject to the limit and conditions for such tax prescribed in this Act or in the orders or sanction of the ¹[State] Government or by levying, with due sanction, a tax imposable under this Act but not being levied at the time being.

¹ This word was substituted for the word "Provincial" by the Adoption of the Laws Order, 195

Refunds.

151. Refunds of municipal tax shall be claimable in the manner and subject to the conditions prescribed by rules. Refunds of taxes how obtainable.

Writing off of taxes.

152. The Commissioner may, with the approval of the Standing Committee, from time to time, write off any sum due on account of any tax or of the costs of recovering any tax, which shall in his opinion, be irrecoverable. Writing off of irrecoverable taxes.

[CHAPTER XIA]

PROVISIONS RELATING TO LEVY, COLLECTION AND RECOVERY OF CESS IN LIEU OF OCTROI

152A. (1) Subject to the provisions of this Chapter and the rules, the Corporation may, for the purposes of this Act, with the previous sanction of the Government, levy cess on the entry of the goods specified in Schedule A, into the limits of the City for consumption, use or sale therein at the rate not exceeding the maximum rate specified against each of them in column 3 of that Schedule. Levy of cess.

(2) There shall be paid, by every dealer, who is liable to pay cess under this Chapter, the cess in accordance with the provisions of this Chapter and the rules.

152B. (1) Every dealer whose turnover either of all sales or of all purchases or of all imports made,— Incidence of cess.

(a) during the year immediately preceding to the year; or

(b) during the year,

in which the Corporation has decided to levy the cess specified in sub-section (2) of section 127, has exceeded or exceeds the relevant limit prescribed in this behalf, shall be liable to pay the cess under this Act:

Provided that, a dealer to whom sub-clause (a) does not apply but sub-clause (b) applies and whose turnover either of all sales or of all purchases or of all imports first exceeds the relevant limit prescribed in this behalf after the first day of April of the year in which the Corporation has decided to levy the cess, shall not be liable to pay the cess in respect of the goods imported by him into the limits of the City for consumption use or sale therein upto the time when his turnover of sales or of purchases or of imports as computed from the first day of April of the said year, does not exceed the relevant limit prescribed in this behalf.

(2) Every dealer whose turnover, either of all sales or of all purchases or of all imports made during any year commencing on the first day of April, being a year subsequent to the years mentioned in sub-section (1) first exceeds the relevant limit prescribed in this behalf, shall be liable to pay cess under this Act:

Provided that, a dealer shall not be liable to pay the cess in respect of the goods imported by him into the limits of the City for consumption, use or sale therein during the period commencing on the first day of April of the said year upto the time when his turnover of sales or of purchases or of imports as computed from the first day of April of the said year does not exceed the relevant limit prescribed in this behalf.

(3) Every dealer who has become so liable for payment of cess shall continue to be so liable until his registration is duly cancelled; and shall again become liable on the day his turnover of sales or purchases or imports again first exceeds the relevant limit prescribed in this behalf.

¹ Chapter XIA and section 152-A to 152-0 were inserted by Mah. 3 of 1996, s. 5.

Certain goods not liable to or exempt from cess. **152C.** (1) No cess shall be leviable on the goods specified in Schedule B.
 (2) Subject to the conditions, restrictions or exceptions, if any, set out against any of them, the goods specified in Schedule C shall be exempt from the payment of cess,

Liability of cess in certain cases. **152D.** Where on and after the date fixed by the Corporation for levy of cess; any goods on which cess is leviable under this Chapter are imported into the limit of the City by any person (not being a registered dealer) from any place outside of the City area and sold to a registered dealer, there shall be levied and collected cess on such goods at the rates fixed by the Corporation, under the rules, from time to time, and such registered dealer shall be liable to pay the cess so levied:

Provided that, no cess on the same goods shall be levied if such purchasing dealer proves to the satisfaction of the Commissioner that the cess has been paid earlier on the said goods to the Corporation.

Cess Authorities. **152E.** (1) For carrying out the purposes of this Chapter and the rules, the Commissioner shall be the Principal Authority.

(2) Likewise, the Corporation may appoint such number of—

(a) Deputy Municipal Commissioners,

(b) Assessor and Collectors,

(c) Deputy Assessor and Collectors,

(d) Assistant Assessor and Collectors, and

(e) other officers and persons and give them such designation, as the Corporation thinks necessary.

(3) The Commissioner shall have jurisdiction co-extensive with the territorial limits of the Corporation. All other officers and person shall have jurisdiction over such area or areas of the Corporation as the Commissioner may specify.

(4) The Commissioner shall have and exercise all the powers and perform all the duties, conferred or imposed on the Commissioner by or under this Act.

(5) A Deputy Commissioner shall, as otherwise directed by the Commissioner, have and exercise all the powers, and shall perform all the duties, conferred or imposed on the Commissioner, by or under this Act.

(6) An Assessor and Collector and other officers and persons shall, within their jurisdiction exercise such of the powers and perform such of the duties of the Commissioner under this Act, as the Commissioner may, subject to such conditions and restrictions, by order in writing, delegate to them either generally, or in respect of any particular matter or class of matters.

(7) No person or a dealer shall be entitled to call in question the territorial jurisdiction of any officer or person appointed under sub-section (2).

(8) All officers and person appointed under sub-section (2) shall be subordinate to the Commissioner, and the subordination of the officers (other than the Commissioner) and of the persons, amongst themselves, shall be as follows :—

(a) Deputy Municipal Commissioner shall be subordinate to the Commissioner,

(b) An Assessor and Collector shall be subordinate to a Deputy Municipal Commissioner and the Commissioner,

(c) A Deputy Assessor and Collector and an Assistant Assessor and Collector shall be subordinate to an Assessor and Collector, a Deputy Municipal Commissioner and the Commissioner,

(d) An officer or person appointed under clause (e) of sub-section (2) shall be subordinate to an Assistant Assessor and Collector, a Deputy Assessor and Collector and Assessor and Collector, a Deputy Municipal Commissioner and the Commissioner, within whose jurisdiction he performs his functions.

152F. (1) No dealer shall, while being liable for payment of cess under the provisions of this Chapter and the rules carry on business as a dealer, unless he possesses a valid certificate of registration as prescribed : Registration.

Provided that, the provisions of this section shall not be deemed to have been contravened, if the dealer having applied in the prescribed manner and time for such registration or, as the case may be, within the prescribed period, carries on such business, pending disposal of his application or grant of registration.

(2) If a person or a dealer upon an application made by him has been registered as a dealer under the rules, and thereafter it is found that he ought not to have been so registered under the provisions of the rules, he shall be liable to pay the cess for the period from the date on which his registration certificate took effect until it is cancelled, notwithstanding that he may not be liable to pay cess under the other provisions of this Chapter and the rules.

152G. If,—

(a) a registered dealer sells goods to another registered dealer, or

(b) a registered dealer who sells in the current year any goods exceeding ten rupees in value, in any one transaction to any other person,

he shall issue to the purchaser a bill or cash memorandum serially numbered, signed and dated by him or his servant, manager or agent, showing therein, such other particulars as may be prescribed. He shall keep a counterfoil or duplicate of such bill or cash memorandum duly numbered, signed and dated and preserve it for a period of not less than five years from the date of sale.

Memorandum of sales or purchase.

152H. No person shall collect any sum by way of cess in respect of sale of any goods : Prohibition against collection of cess.

Provided that, this section shall not apply where a person or dealer is required to collect such amount of the cess separately in order to comply with the conditions and restrictions imposed on him under the provisions of any other law for the time being in force.

152I. Every dealer and such other person as prescribed, shall keep a true account of the value of the goods imported, purchased, consumed, used or sold by him as prescribed. Liability to maintain and produce accounts.

152J. (1)(a) The Commissioner may, require an registered dealer to produce before him any accounts or documents, or to furnish any information, relating to stocks of goods or of imports, purchases, sales, and deliveries of goods by the dealer or any other information relating to his business, as may be necessary. Production and inspection of accounts and documents

(b) The Commissioner may, require any dealer or any person who has imported any goods in the City and has sold the same to a dealer or a person, to produce before him such documents, or to furnish such information relating to such goods as may be necessary. and search of premises, seizure of books of accounts and goods, etc.

(2) All accounts, registers and documents relating to stocks of goods, or to imports, purchases, sales and deliveries of goods by any dealer and all goods and cash kept in any place by any dealer shall, at all reasonable times be open to inspection by the Commissioner, and the Commissioner may, take or cause to be taken such copies or extracts of the said accounts, registers or documents and such inventory of the goods and cash found as appear to him necessary.

(3) If the Commissioner has reason to believe that any dealer or person has evaded or is attempting to evade the payment of any cess due from him, he may, seize such accounts, registers or documents or goods found in the premises at the time of

search of the dealer or person as may be necessary and shall grant a receipt for the same and shall retain the same for so long as may be necessary in connection with any proceeding under this Act or for a prosecution. However, when the Commissioner seizes any books of accounts, registers or documents or goods of any dealer he shall not retain them for more than twenty-one days without recording his reasons in writing for so doing.

(4) For the purposes of sub-section (2) or sub-section (3), the Commissioner may enter and search any place of business of any dealer, or any place of activity of a person or any other place where the Commissioner has reason to believe that the dealer or person keeps or is, for the time being, keeping any accounts, registers or documents of his business or activity or stocks of goods relating to his business.

(5) Where in the course of any search or inspection any books of accounts, other documents, money or goods are found in the possession or control of any person, it shall be presumed, unless the contrary is proved, that such books of account, other documents, money or goods belong to such person.

152K. (1) The Commissioner shall, for discharging the functions under this Chapter have the same powers as are vested in a Civil Court under the Code of 1908. Civil Procedure, 1908, in respect of the following matters, namely :—

Commissioner to have powers of Civil Court.

- (a) receiving evidence on affidavit ;
- (b) summoning and enforcing the attendance of any person and examining him on oath or affirmation ;
- (c) requiring the discovery or the production of documents ;
- (d) issuing commissions for the examination of witness or documents; and
- (e) any other matter which may be prescribed.

(2) In the case of any affidavit to be made for the purpose of this Chapter, any officer appointed by the Commissioner in this behalf, may administer the oath to the deponent.

(3) Without prejudice to the provisions of any other law for the time being in force, where a person to whom a summons is issued by the Commissioner either to attend to give evidence or produce books of accounts, registers or other documents at a certain place and time, intentionally omits to attend or produce such books, registers, or documents at a certain place and time, as the case may be, the Commissioner may, impose on him such fine not exceeding five hundred rupees as he thinks fit; and the fine so levied may be recovered in the manner provided for recovery of arrears of cess :

Provided that, before imposing any such fine, the person concerned shall be given a reasonable opportunity of being heard.

(4) If any documents are produced by a person on whom a summons was issued by the Commissioner and the Commissioner has reason to believe that any person evaded or is attempting to evade the payment of any cess due from him and the documents produced are necessary for establishing the case against such person the Commissioner may, for reasons to be recorded in writing, impound the documents and shall grant a receipt for the same and shall retain the same for so long as may be necessary in connection with any proceedings under this Chapter or for a prosecution.

(5) No order passed under this section by the Commissioner or any officer or person subordinate to him shall be called in question in any Court.

152L. (1) Whoever,—

(a) not being a registered dealer under section 152F falsely represents that he is or was a registered dealer, at the time when he sells or buys or imports or delivers goods, or

(b) knowingly furnishes a false return, or

(c) knowingly produces before the Commissioner false bill, cash memorandum, voucher declaration, certificate or other document for any purpose referred to in section 152J, or

(d) knowingly keeps false accounts of the value of the goods bought or imported or sold or delivered by him in contravention of section 152I, or

(e) knowingly produces false accounts registers or documents or knowingly furnishes false information, or

(f) issues to any person, a certificate required under relevant provisions of the rules or a false bill cash, memorandum, voucher or other document which he knows or has reason to believe to be false, or

(g) wilfully attempts in any manner whatsoever to evade any cess leviable under this Chapter, or

(h) wilfully attempts in any manner whatsoever to evade any payment of any cess, penalty, interest or sum forfeited under the provisions of this Chapter, or

(i) aids or abets any person in commission of any act specified in clauses (a) to (h), or

(j) fails without sufficient cause to furnish any information as required by the rules, or

(k) fails without sufficient cause to furnish any return as required by the rules by the date and in the manner prescribed, or

(l) fails to pay any cess as required by this Chapter, or

(m) fails without sufficient cause to comply with any requirements made of him under section 152J, or

(n) obstructs any officer making any search or seizure under section 152J, or

(o) without sufficient and reasonable cause contravenes provisions of sections 152F, 152G, 152H or 152I,

shall, on conviction, be punished with imprisonment for a term which may extend to two years and with fine.

(2) Whoever commits any of the acts specified in sub-section (1) and the offence is a continuing one under any of the provisions of the sub-section (1) shall, on conviction, be punished with daily fine which shall not be less than rupees one hundred during the period of the continuance of the offence, in addition to the punishment provided under this section.

(3) Notwithstanding anything contained in sub-section (1) no person shall be proceeded against under that sub-section for the acts referred to therein if the total amount of cess evaded or attempted to be evaded is less than rupees two hundred during the period of a year.

(4) Where a dealer is accused of an offence specified in sub-section (1) the person deemed to be the manager of the business of such dealer shall also be deemed to be guilty of such offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission thereof.

(5) No prosecution for an offence under this section shall be instituted in respect of same facts on which a penalty has been imposed by the Commissioner under any provisions of this Chapter.

Disclosure of information by Commissioner, Municipal officer or servant. **152M.** (1) All particulars contained in any statement made, return, furnished or accounts or documents produced in accordance with this Chapter or the rules, or in any record of evidence given in the course of any proceedings under the provisions of this Chapter (other than proceedings before a Criminal Court), or in any record of any assessment proceeding, or any proceeding relating to the recovery of a demand prepared for the purposes of this Chapter shall, save as provided in sub-section (3) be treated as confidential.

(2) If, save as provided in sub-section (3), any servant of the Corporation discloses any of the particulars referred to in sub-section (1), he shall on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

(3) Provisions of this section shall not apply to disclosures made for the purpose prescribed by rules.

Compounding of offences. **152N.** (1) The Commissioner may, either before or after the institution of proceeding for any offence punishable under section 152L., accept from any person charged with such offence, by way of composition of the offence, a sum not exceeding ten times but not less than four times of the cess which would have been payable.

(2) On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceeding shall be taken against the accused person in respect of the same offence.

Indemnity. **152O.** No suit, prosecution or other legal proceedings shall lie against any servant of the Corporation for anything which is in good faith done or intended to be done under the provisions of this chapter.]

CHAPTER XII

DRAINS AND DRAINAGE

Municipal Drains

Drains to be constructed and kept in repair by the Commissioner. **153.** (1) The Commissioner shall maintain and keep in repair all municipal drains and shall with the approval of the Corporation construct such new drains as shall from time to time be necessary for effectually draining the City.

(2) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the Municipal Fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drains so laid under the street shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.

Adoption by Corporation of drains and drainage or sewage disposal works. **154.** (1) The Commissioner may at any time with the approval of the Corporation declare that any drain or part thereof or any drainage or sewage disposal works situate within the City or serving the City or any part thereof shall, from such date as may be specified in the declaration, become vested in the Corporation :

Provided that, when the Commissioner proposes to make a declaration under this sub-section, he shall give written notice of the proposal to the owner or owners of the drain or works in question and shall take no further action in the matter, until either one month has elapsed without an objection against his proposal being lodged under sub-section (2), or as the case may be, until any objection so lodged has been duly considered.

(2) An owner aggrieved by the proposal of the Commissioner to make a declaration under sub-section (1) may, within one month after notice of the proposal is served upon him, appeal to the ¹[State] Government or to such officer of the ¹[State] Government as the ¹[State] Government may designate by order in the *Official Gazette* in this behalf and shall, if he so appeals give written intimation of the fact to the Commissioner.

(3) After consideration of an appeal under sub-section (2), and after making such inquiries as may be necessary, the ¹[State] Government or the said officer may with due regard to the provisions of sub-section (4) allow or disallow the proposal of the Commissioner and may, if it or he thinks fit, specify conditions, including conditions as to the payment of compensation by the Commissioner, subject to which it or he allows the proposal.

(4) The Commissioner in deciding whether a declaration should be made under sub-section (1) shall have regard to all the circumstances of the case and, in particular, to the following considerations :—

(a) whether the drain or works in question is or are adapted to, or required for, any general system of drainage or drainage disposal or sewage disposal which the Commissioner has provided, or proposes to provide, for the City or any part thereof ;

(b) whether the drain is constructed under a street or under land reserved by or under the provisions of this Act or any other law for the time being in force for a street ;

(c) the number of buildings which the drain is intended to serve, and whether, regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings ;

(d) the method of construction and state of repair of the drain or works ; and

(e) whether the making of the proposed declaration would be seriously, detrimental to the owner of the drain or works in question.

(5) Any person who immediately before the making of a declaration under sub-section (1) was entitled to use the drain in question shall be entitled to use it or any drain substituted therefor, to the same extent as if the declaration had not been made.

(6) When the Commissioner is about to take into consideration the question of making a declaration under sub-section (1) with respect to a drain or drainage or sewage disposal works situate within the jurisdiction of some local authority other than the Corporation or situate within the City but serving an area, or part of an area, within the jurisdiction of such local authority, he shall give notice to that authority and no declaration shall be made by him until either that authority has consented thereto or the ¹[State] Government, on an application made to it, has dispensed with the necessity of such consent, either unconditionally or subject to such conditions as it may think fit to impose.

(7) When the Commissioner has made a declaration under sub-section (1) with respect to a drain or drainage disposal or sewage disposal works situate within the jurisdiction of some local authority other than the Corporation he shall forthwith give notice of the fact to such authority.

¹This word was substituted for the word " Provincial " by the Adoption of Laws order, 1956.

(8) The Commissioner shall not make a declaration under sub-section (J) with respect to any drain part of a drain or any works if that drain or part of a drain or those works is or are vested in some local authority other than the Corporation or in the Central Government or a railway administration, except on the request of the authority, Government or administration concerned.

Powers for making drains. 155. (1) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the City, or, for the purpose of outfall or distribution of sewage, without the City.

(2) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

Alteration and discontinuance of drains. 156. The Commissioner may enlarge, after the course of, lessen, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary or prohibit the use of any such drain either entirely or for the purpose of foul water drainage or for the purpose of surface drainage :

Provided that, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed or the use of which has been prohibited.

Cleansing drains. 157. (1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing, and emptying the said drains, the Commissioner may construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

Drains of Private Streets and Drainage of Premises

Power to connect drain of private street with municipal drain. 158. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain subject to the conditions laid down in the rules.

Right of owners and occupiers of buildings and lands to drain into municipal drains. 159. (1) Subject to the provisions of this section, the owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage :

Provided that nothing in this sub-section shall entitle any person---

(a) to discharge directly or indirectly into any municipal drain any trade effluent except in accordance with the provisions of section 166 or any liquid or other matter the discharge of which is prohibited by or under this Act or any other law for the time being in force ;

(b) where separate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly—

(i) foul water into a drain provided for surface water ; or

(ii) except with the permission of the Commissioner surface water into a drain provided for foul water ; or

(c) to have his drain made to communicate directly with a storm-water overflow drain.

(2) Every person desirous of availing himself of the provisions of sub-section (1) shall obtain the written permission of the Commissioner and shall comply with such conditions as the Commissioner may prescribe as to the mode in which and the superintendence under which connections with municipal drains or other places aforesaid are to be made.

CHAPTER XIII.

WATER SUPPLY.

Construction and maintenance of municipal water works.

189. (1) When the Commissioner has given public notice under clause (b) Water Supply of sub-section (1) of section 130 that the Corporation has arranged to supply water to any portion of the City from municipal water works by means of private water connections or of public stand posts or by any other means, it shall be incumbent on him to take all such measures as may be practicable to ensure that a sufficient supply is available for meeting the reasonable requirements of the residents of such portion of the City.

(2) For the purposes of carrying out the obligation imposed by sub-section (1) and of providing the City with a supply of water proper and sufficient for public and private purposes, the Commissioner may with the approval of the Corporation—

(a) construct, maintain in good repair, alter, improve and extend water-works either within or without the City, and do any other necessary acts ;

(b) purchase or take on lease any water-work, or any water or right to store or to take and convey water either within or without the City ;

(c) enter into an arrangement with any person for a supply of water.

(3) All municipal water works shall be managed by the Commissioner.

190. Any person appointed by the ¹[State] Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water work.

Inspection of municipal water works by persons appointed by ¹[State] Government.

191. The Commissioner and any person appointed by the ¹[State] Government under section 190 in this behalf may, for the purpose of inspecting or repairing or executing any works in, upon or in connection with any municipal water-works, at all reasonable times—

Power of access to Municipal water-works.

(a) enter upon and pass through any land, within or without the City, adjacent to or in the vicinity of such water-works, in whomsoever such land may vest ;

(b) cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

192. (1) For the purpose of carrying, renewing and repairing water-mains, pipes and ducts within or without the City, the Commissioner shall have the same powers and be subject to the same restrictions as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within the City.

Power of carrying water-mains, etc.

(2) This section shall apply in respect of carrying, renewing and repairing private water-mains, pipes and ducts as it applies in respect of carrying, renewing and repairing municipal water-mains, pipes and ducts.

193. The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the City where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

Fire-hydrants to be provided.

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

Prohibition
of certain
acts affect-
ing the
municipal
water-works.

194. (1) Except with the permission of the Corporation, no person shall—

- (a) erect any building for any purpose whatever on any part of such area as shall be demarcated by the Commissioner surrounding any lake, tank, well or reservoir from which a supply of water is derived for a municipal water-work;
- (b) remove, alter, injure, damage or in any way interfere with the demarcation works of the areas aforesaid ;
- (c) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the area, aforesaid ; or
- (d) carry on, within the area aforesaid, any operation of manufacture trade or agriculture in any manner, or do any act whatever, whereby injury may arise to any such lake, tank, well or reservoir or to any portion thereof or whereby the water of any such lake, tank, well or reservoir may be fouled or rendered less wholesome.

(2) Except as hereinafter provided, no person shall—

- (a) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought thereinto or thereupon anything, or to be done any act, whereby the water therein may be in any way fouled or polluted or its quality altered;
- (b) alter the surface of any municipal land adjacent to or forming part of any such work by digging thereinto or depositing thereon any substance ;
- (c) cause or suffer to enter into the water in such work any animal ;
- (d) throw or put anything into upon the water in such work ;
- (e) bathe in or near such work ; or
- (f) wash or cause to be washed in or near such work any animal or thing.

Buildings,
etc., not to
be erected
over muni-
cipal water-
main with-
out permis-
sion.

195. (1) Without the written permission of the Commissioner, no building, wall or structure of any kind shall be, newly erected or re-erected and no street or minor railway shall be constructed, over any municipal water main.

(2) If any building, wall or structure be so erected re-erected or any street or minor railway be so constructed, the Commissioner may, with the approval of the Standing Committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public Gratuitous Water-Supply.

Vesting of
public
drinking
fountains
etc., in the
Corporation.

196. (1) All existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the City shall vest in the Corporation and be under the control of the Commissioner.

(2) The Commissioner may maintain the said works and provide them with water, and when authorised by the Corporation in this behalf may construct any other such works for supplying water for the gratuitous use of the inhabitants of the City :

Provided that water carried away by any of the inhabitants from any such work shall be taken only for personal or domestic purposes and not for the purpose of business or sale and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(3) The Commissioner may temporarily, and with the approval of the Corporation permanently close any of the said works either entirely or partially.

(4) If any such work is permanently closed either entirely or partially by the Commissioner the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the Corporation :

Provided that if any such work which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the Corporation thinks fit to direct otherwise, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the Corporation and by the heirs or other representatives, if any, of the said person.

197. (1) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart. Public drinking fountains, etc., may be set apart for particular purposes.

(2) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

Private Water Supply.

198. No person to whom water is supplied by measurement or according to the size of the connection or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (2) of section 134 for the use of such water, or permit any such condition to be contravened. Conditions as to use of water not to be contravened.

199. No water pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted and no well or tank and, except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a privy, water-closet or cesspool. Water pipes etc., not to be placed where water will be polluted.

200. (1) No person shall fraudulently dispose of any water supplied to him by the Corporation. Prohibition of fraudulent an unauthorised use of water.

(2) No person to whom a private supply of water is furnished by the Corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(3) No person who does not reside on premises in respect of which water-tax is paid shall carry away water from any premises to which a private supply is furnished by the Corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

General

201. The Commissioner may supply water from a municipal water work to any local authority or person without the City on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially approved by the Corporation. Power to supply water without the City.

CHAPTER XIV.

STREETS

Construction, Maintenance and Improvement of Streets.

Vesting of public streets in Corporation. 202. All streets within the City being, or which at any time become, public streets, except streets which on the appointed day vested in the [Government for which after the said day may be constructed and maintained by an authority other than the Corporation, and the pavements, stones and other materials thereof shall vest in the Corporation and be under the control of the Commissioner.

Power of Commissioner in respect of public streets. 203. (1) The Commissioner shall from time to time cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require, and may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of pedestrians :

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees or such higher amount as the Corporation may from time to time fix, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the Corporation.

(2) With the sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street vested in the Corporation :

Provided that such sanction of the Corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting have been received and considered by the Corporation.

Disposal of land forming site of closed streets. 204. Whenever any public street or part of a public street, is permanently closed under section 203, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the Corporation, subject to the previous sanction of the [State] Government.

Power to make new public streets. 205. The Commissioner, when authorised by the Corporation in this behalf, may at any time.—

(a) lay out make a new public street :

(b) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation, and that such street shall become, on completion, a public street, which shall vest in the Corporation :

(c) construct bridges and sub-ways ;

(d) divert or turn an existing public street vested in the Corporation or a portion thereof.

¹ This word was substituted for the word " Crown " " by the Adaptaion of Laws Order, 1950.

² This word was substituted for the word " provincial " *ibid.*,

278. (1) (a) On receipt of the sanction of the ¹[State] Government the Commissioner shall forward to the ¹[State] Government a declaration for notification stating the fact of such sanction and that the land proposed to be acquired by the Corporation for the purposes of the scheme is required for a public purpose.

On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration Commissioner to be authorised to execute scheme.

(b) The declaration shall be published in the *Official Gazette* in the same manner as an order of the ¹[State] Government and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall, upon the publication of the said declaration, proceed to execute the scheme.

(2) (a) If at any time it appears to the Commissioner, the Standing Committee or the Corporation, as the case may be, that an improvement can be made in any part of the scheme, the Corporation may alter the scheme for the purpose of making such improvement and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(b) If the estimated net cost of executing the scheme as altered exceeds by ten per cent. the estimated net cost of executing the scheme as sanctioned, the Commissioner shall not, without the previous sanction of the Corporation and of the ¹[State] Government, proceed to execute the scheme as altered.

(c) If the scheme as altered involves the acquisition, otherwise than by agreement, of or the levy of a betterment charge in respect of any land other than that specified in the schedule accompanying the scheme under sub-section (3) of section 277 the provisions of sections 272 and 277 and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

279. If, within three years from the declaration aforesaid, the Corporation fails to acquire any land included in such declaration or any part of such land, the owner of such land may, by written notice setting out the particulars of such land, call upon the Corporation to acquire such land or to withdraw from the proposal to acquire it and thereafter the procedure prescribed in sub-section (2) to (5) of section 274 shall be followed.

If Corporation fail to acquire the land, owner may call upon Corporation to acquire it or to withdraw from proposal.

280. Where an improvement scheme has provided for the levy of a betterment charge pursuant to sub-section (2) of section 271, such betterment charge shall be an amount equal to one-half of the increase in value of the land, including the buildings, if any, thereon and shall be calculated upon the amount by which the value of the said land on completion of the execution of the scheme exceeds the value of the said land at the time of the publication of the notification made under section 272.

Method of calculation of betterment charge.

281. (1) When it appears to the Commissioner that an improvement scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Commissioner shall make a report to the Standing Committee to that effect, and the Standing Committee after considering the report may by resolution declare the date on which, for the purpose of determining the amount of the betterment charge, the execution of the scheme shall be deemed to have been completed.

Procedure for determining charge.

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

(2) The amount of betterment charge leviable in each case shall be determined in accordance with section 280 after following the procedure prescribed in sub-section (3) by such officer as the ¹[State] Government may by notification in the *Official Gazette* appoint in this behalf at the request of the Corporation.

(3) On a date being fixed under sub-section (1) and an officer being appointed under sub-section (2) the Commissioner shall, in consultation with such officer, serve upon every person on whom a notice in respect of the property affected has been served under sub-section (3) of section 272, a notice which shall state,—

(a) the date declared by the Standing Committee under sub-section (1) as aforesaid ;

(b) the time, being some time not less than twenty-one days after the service of the notice, and place at which the assessment of the betterment charge will be considered by such officer, and every person upon whom such a notice is served shall be entitled to be heard either in person or by a duly authorised agent when the matter is taken into consideration by such officer.

(4) When such officer has determined the amount of the betterment charge leviable in respect of any property, the Commissioner shall serve upon the person concerned a notice stating the amount so determined.

(5) With effect from the date of service of the notice under sub-section (4) and, subject to the decision upon any reference made to the District Court as hereinafter provided in sub-section (6), the amount of the betterment charge determined as aforesaid and interest thereon, if any, shall be a charge upon the property in respect of which it is levied, and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 442.

(6) If any person is dissatisfied with the charge determined by the officer appointed by the ¹[State] Government under sub-section (2), the Commissioner shall, upon the application of such person at any time within one month from the date of the service of a notice under sub-section (4) refer the case for the determination of the District Court whose decision thereupon shall be final,

(7) If no application for determination by the District Court is made as provided in sub-section (6) the determination of the amount of a betterment charge by the officer appointed by the ¹[State] Government in this behalf shall be final.

Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

282. The Land Acquisition Act, 1894, hereinafter referred to as "the Land Acquisition Act" shall, to the extent set forth in Appendix I regulate and apply to 1894. the acquisition of land under this Chapter, otherwise than by agreement, and shall for that purpose be deemed to form part of this Chapter in the same manner as if enacted in the body hereof, subject to the provisions of this Chapter and the provisions following namely :—

(1) a reference to any section of the Land Acquisition Act shall be deemed to be a reference to such section as modified by the provisions of this Chapter, and the expression "land" as used in the Land Acquisition Act shall be deemed, to have the meaning assigned to it by clause (30) of section 2 of this Act and clause (b) of section 3 of the Land Acquisition Act shall, for the purposes of this Chapter, be read as if the words and parentheses "(including the ²[Government]" were inserted after the words "includes all persons", and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land" ;

(2) in the construction of sub section (2) of section 4 of the Land Acquisition Act and the provisions of this Chapter the provisions of the said sub-section shall,

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

² This word was substituted for the word "Crown" *ibid.*

IV of 1939.
I of 1894.

*(d) exercise any of the powers of a licensee holding a stage permit under the Motor Vehicles Act, 1939, which the Corporation is for the time being authorised to exercise and any other powers exercisable by the Corporation under the said Act in relation to the provision of mechanically propelled transport facilities for the conveyance of the public.

Fares and Charges.

343. (1) Fares and charges shall be leviable for the conveyance of passengers or for the carriage of goods by any means of transport provided by the Undertaking at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and any licence granted to the Corporation thereunder, by the Transport Committee with the approval of the Corporation.

Levy of fares and charges for transport services.

(2) A printed list in Marathi or English of all the fares and charges levied for the time being under this section shall be exhibited in a conspicuous place inside each vehicle used by the Transport Undertaking for the conveyance of the public.

(3) The fares and charges levied under this section shall be paid to such persons at such places upon or near the prescribed route of the transport service, and in such manner, as the Transport Committee shall, by notice to be annexed to the aforesaid list, appoint.

(4) If any person travelling or having travelled in any vehicle of the Transport Undertaking avoids or attempts to avoid payment of his fare, or any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such vehicle beyond that distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof, or any person knowingly and wilfully refuses or neglects, on arrival at the point up to which he has paid his fare, to quit such vehicle, he shall, on conviction, be punished with fine which may extend to [fifty rupees]. Such person shall (in addition to the ordinary single fare for the distance which he has travelled or where there is any doubt as to the stop from which he started, the ordinary single fare from the stop from which the vehicle originally started or in addition to any difference between any fare paid by him and the fare payable for the additional distance), be liable to pay on demand of any officer or other servant of the Transport Undertaking duly authorised in this behalf by the Transport Manager, an excess charge of a sum not exceeding ten rupees as the Transport Manager, with the approval of the Transport Committee, may determine in his behalf.

(5) If a passenger liable to pay the excess charge determined under the last preceding sub-section fails or refuses to pay the same on demand being made therefor, the Transport Manager or any officer or other servant duly authorised under that sub-section may apply to a Judicial Magistrate for the recovery of the sum payable as if it were a fine, and that Magistrate, if satisfied that the sum is payable, shall order it to be so recovered and on recovery, to be paid to the Transport Manager.

(6) It shall be lawful for every municipal servant appointed under this Chapter and all person called in by him for his assistance, to arrest and take to the nearest police station any person who shall be discovered either in or after committing or attempting to commit an offence under sub-section (4) and whose name and address is not known and is refused by him, and the police officer in-charge of the said police station shall adopt such legal measures as may be necessary to cause the said person to be taken before a Judicial Magistrate with the least possible delay.]

¹ Sub-sections (2) to (6) were substituted for original sub-sections (2) and (3) by Mah.27 of 1975, s.5.

² These words were substituted for the words " ten rupees " by Mah. 20 of 1995. s.6.

³ See now the Motor Vehicles Act, 1989 (59 of 1989).

Acquisition and Disposal of Property

Acquisition
of immov-
able pro-
perty.

344. (1) Whenever it is necessary or expedient for the purposes of the Transport Undertaking that the Transport Manager shall acquire any immovable property, such property may be acquired by the Transport Manager on behalf of the Corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Transport Committee either generally for any class of cases or specially in any particular case.

(2) Whenever the Transport Manager is unable to acquire any immovables property under sub-section (1) by agreement, the ¹[State] Government may, in its discretion, upon the application of the Transport Manager made with the approval of the Transport Committee and, subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894. I of

(3) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to the other provisions of this Act, be forthwith paid by the Transport Manager and thereupon the said property shall vest in the Corporation for the purposes of the Transport Undertaking.

Provisions
governing
disposal of
municipal
property.

345. With respect to the disposal of property vesting in the Corporation exclusively for the purposes of the Transport Undertaking the following provisions shall have effect, namely :—

(a) the Transport Manager may dispose of by sale, hire or otherwise, any movable property belonging to the Corporation not exceeding in value, in each instance, two thousand rupees or such higher amount as the Corporation may from time to time with the approval of the ¹[State] Government determine;

(b) the Transport Manager may grant a lease of any immovable property belonging to the Corporation for any period not exceeding twelve months at a time :

Provided that every lease granted by the Transport Manager (other than as contract for a monthly tenancy) the annual rent whereof at a rack-rent exceed three thousand rupees shall be reported by him, within fifteen days after the same has been granted to the Transport Committee;

(c) with the sanction of the Transport Committee, the Transport Manager may dispose of, by sale or otherwise, any movable property belonging to the Corporation of which the value does not exceed ten thousand rupees, and may grant a lease of any immovable property belonging to the Corporation for any period exceeding one year, or sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees;

(d) with the sanction of the Corporation, the Transport manager may lease sell or otherwise convey any property, movable or immovable, belonging to the Corporation.

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

representation is received within a period of thirty days, either cancel, modify or confirm the order made by it under sub-section (1) or take such other action in respect of the matter as may in its opinion be just or expedient, having regard to all the circumstances of the case. Where any order made under sub-section (1) is confirmed the State Government may direct that the resolution or order of the Corporation or its authority in respect of which suspension order was made under sub-section (1), shall be deemed to be rescinded.

(4) Where any order is made by the State Government under sub-section (3), it shall be the duty of every Councillor and the Corporation and any other authority or officer concerned to comply with such order.]

452. (1) If at any time upon representation made or otherwise it appears to the ¹[State] Government that the Corporation is not competent to perform, or persistently makes default in the performance of, the duties imposed upon it by or under this Act or any other law for the time being in force or exceeds or abuses its powers, the ²[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*, ³[dissolve the corporation with effect from the date to be specified in the order].

⁴[Power of State Government to dissolve Corporation.]

⁵[With effect from the date specified in the order passed under sub-section (1) or with effect from the date on which the Corporation stands dissolved under the proviso to article 243-ZF] :—

(a)	4*	*	*	*	*	*
(b)	4*	*	*	*	*	*

⁶[(c) all powers and duties of the Corporation, the Standing Committee, the Transport Committee and all other committees constituted under the Act, shall, during the period of dissolution be exercised and performed by such Government Officer or Officers as the State as Government may, from time to time, appoint in this behalf ;]

⁷[(d) on dissolution of the Corporation all the property vested in the Corporation shall vest in the State Government];

⁸[(f) the Government Officer or Officers appointed under clause (c) and the individual or the members of the committee or sub-committee referred to in clause (e) shall receive such remuneration from the Municipal Fund as the State Government may from time to time determine.] :

(3)	9*	*	*	*	*	*
-----	----	---	---	---	---	---

(4) The Corporation shall be re-established on the expiration of the period specified in the order of supersession under sub-section (1) as continued from time to time by order under sub-section (3) by the election of councillors at general ward elections held in accordance with the provisions of this Act :

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

² These words were substituted for the portion beginning with the words " direct the corporation " and ending with the words " superseded under this section " by Mah. 41 of 1994, s.74 (a).

³ This portion was substituted for the words, brackets and figures " when an order is made under sub-section (1) " *ibid.*, s.74 (b) (i).

⁴ Clauses (a) and (b) were deleted, *ibid.*, s.74 (b) (ii).

⁵ Clause (c) was substituted *ibid.*, s.74 (b) (iii).

⁶ The marginal note was substituted, *ibid.*, s.74 (e).

⁷ Clause (d) was substituted, *ibid.*, s.74 (b) (iv).

⁸ Clause (f) was added, *ibid.*, s.74 (b) (v).

⁹ Sub-section (3) was deleted, *ibid.*, s. 774 (c).

Provided that the person or persons appointed under clause (c) of sub-section (2), shall continue to exercise the powers and perform the duties of the Corporation, the Standing Committee and, as the case may be, the Transport Committee until the first meeting of the Corporation constituted by the election of councillors as aforesaid shall have been held.

New larger Urban area. 452A. (1) When any area is specified to be a larger urban area forming a City under this Act, the the State Government may appoint a Government officer or officers to exercise all the powers and duties of a Corporation under this Act, for such larger urban area.

(2) Such officer or officers shall hold office until the first meeting of the Corporation or for a period of six months from the date of specification of the urban area as the large urban area, whichever is earlier.

(3) The Officer or officers appointed under sub-section (2) shall receive from the Municipal Funds such pay and allowances as may be determined, from time to time, by the State Government.]

CHAPTR XXXIX

RULES BY-LAWS, REGULATIONS AND STANDING ORDERS.

Rules in Schedule to be part of the Act. 453. The rules in ²[Schedule D] as amended from time to time shall be deemed to be part of this Act.

Alteration of and additions to Schedule. 454. The Corporation may add to ³[Schedule D] rules not inconsistent with the provisions of this Act (which expression shall in this section be deemed not to include the said Schedule) to provide for any matter dealt with or for any of the purposes specified in the said Schedule; and may subject to the same limitation, amend, alter or annul any rule in the said Schedule :

Provided that if any rule regulating the punishment of an offence is altered or amended the punishment awarded under such altered or amended rules shall not exceed the maximum provided in section 468.

Power to make rules subject to sanction of ⁴[State] Government. 455. (1) The power to make, add to, alter or rescind any rule under section 454 shall be subject to the sanction of the ³[State] Government and to the condition of the rules being made after previous publication.

(2) All rules made under section 454 shall be finally published in the *Officia Gazette* and shall thereupon have effect as if enacted in this Act.

(3) In addition to the publication required under sub-sections (1) and (2) the Corporation may determine in each case what further publication, if any, is required for rules made or proposed to be made.

Power of ⁵[State] Government to make rules. 456. (1) The ³[State] Government may at any time require the Corporation to make rules under section 454 in respect of any purpose or matter specified in section 457 ;

¹ Section 452A was substituted by Mah. 4 of 1995, s.2

² The word and letter were substituted for the words " the Schedule " by Mah. 3 of 1996, s 6.

³ The word and letter substituted for the words " the Schedule " *ibid.*, s.7.

⁴ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

(2) If the Corporation fails to comply with such requisition within such reasonable time as may be fixed by the ¹[State] Government, the ¹[State] Government may, after previous publication make such rules and the rules so made shall, on final publication in the *Official Gazette*, have effect as if enacted in this Act.

²456A. (1) Notwithstanding anything contained in sections 454 and 456, the State Government may, by notification in the *Official Gazette*, make rules consistent with the provisions of this Act generally to carry out all or any of the purposes of this Act. Such rules may provide for charging of fees for any of the purposes of this Act. Special power of State Government to make rules.

(2) All rules made under this section shall be subject to the condition of previous publication.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the *Official Gazette*, the rule shall from the date of publication, of such notification have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.]

457. In particular, and without prejudice to the generality of the powers conferred by section 454, rules made thereunder may provide for or regulate all or any of the following purposes and matters, namely :— Matters in respect of which rules may be made.

(1) *Ward elections*.—

3* * * * *

⁴[(b) the maintenance of the municipal election roll and the preparation, publication and sale of copies thereof;]

(c) the nomination of candidates, the form of nomination papers, objection to such nominations, and the taking and return of deposits from and to candidates;

(d) the date, time and place of ward elections and the management of contested ward elections;

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

² Section 456A was Inserted by Mah. 41 of 1994, s.76.

³ Clause (a) was deleted by Mah. 20 of 1980, s.10.

⁴ Sub-clause (b) was substituted for the original by Mah. 34 of 1965, s.9(b).

LIST II

Classes of lands and buildings	Period from the 1st April 1954 to 31st March 1956 (both inclusive)	Period from the 1st April 1956 to 31st March 1958 (both inclusive)	Period from the 1st April 1958 to 31st March 1960 (both inclusive)	Period from the 1st April 1960 to 31st March 1962 (both inclusive)
	1	2	3	4
1. The annual rateable value of which does not exceed Rs. 50.	<i>Nil</i>	6 per cent. of the rateable value.	8 per cent. of the rateable value.	10 per cent. of the rateable value.
2. The annual rateable value of which exceeds Rs. 50, but does not exceed Rs.500.	6 per cent. of the rateable value.	8 per cent. of the rateable value.	10 per cent. of the rateable value.	
3. The annual rateable value of which exceeds Rs.500 but does not exceed Rs.1,000.	8 per cent. of the rateable value.	10 per cent. of the rateable value.		
4. The annual rateable value of which exceeds Rs.1,000 but does not exceed Rs. 2,000.	10 per cent. of the rateable value.			
5. The annual rateable value of which exceeds Rs.2,000 but does not exceed Rs. 5,000.	12 per cent. of the rateable value.			
6. The annual rateable value of which exceeds Rs. 5,000.	14 per cent. of the rateable value or the rate determined by the Corporation under section 99, whichever is less.			

Part IV : 1* * * *

Part V : Power to remove difficulties

23. If any difficulty arises in giving effect to the provisions of this Act or, by reason of anything contained in this Act, to any other enactment for the time being in force, the ²[State] Government may, as occasion required by order do anything which appears to it necessary for the purpose of removing the difficulty :

Power to remove difficulties.

Provided that no order shall be made under this paragraph after the expiry of one year from the appointed day.

³[SCHEDULE A

(See section 152A)

Articles liable to payment of cess

Serial No. (1)	Description of Goods (2)	Maximum Rates of cess livable (3)
<i>Class 1.—Articles of food and drink.</i>		
1	Grain, flour, pulses and cereals of all sorts including parched gavar, soyabean, parched grain and paddy.	1 per cent. <i>ad valorem</i> .

¹Part IV relating to the Special provisions relating to other cities was deleted by Mah. 4 of 1995, s.3

²This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³Schedules 'A', 'B' and 'C' were inserted by Mah. 3 of 1996, s.8 (b).

(1)	(2)	(3)
2	(a) Sugar	1 per cent. <i>ad valorem</i> .
	(b) <i>Gur</i> of all sorts	
3	Wines and spirits and beer	7 per cent. <i>ad valorem</i> .
4	Ghee	4 per cent. <i>ad valorem</i> .
5	Vanaspatti and hydrogenated oils	4 per cent. <i>ad valorem</i> .
6	Tea, coffee and coffee seeds	1 per cent. <i>ad valorem</i> .
7	Saffron	7 per cent. <i>ad valorem</i> .
8	Edible-bacon and hams, table butter, butter other than table butter, margarine, dried or preserved fruits and nuts excluding fresh fruits and betel nuts, canned, fish, cheese, confectionery, jams and jellies, milk condensed and preserved, ice cream, all sorts of farinaceous foods, pickles, cocoa, cocoabeans and chocolates, biscuits and cakes, lard or edible animal fat; <i>mawa</i> , milkcream, <i>chakka</i> , fruitjuices, syrups and all beverages glucose, destrose or any fruit sugar, preserved provisions backing or cury, powder, saccharin, all kinds of food colours and essences, glucose of all other kinds, malt extract, honey, papad, potato wafers, meat fresh or preserved for whatever use and all kinds of food or drink not specifically provided for excepting whole milk or toned milk or skim milk powder.	7 per cent. <i>ad valorem</i> .
9	Dates dry	4 per cent. <i>ad valorem</i> .
10	Dates wet	4 per cent. <i>ad valorem</i> .
<i>Class II.—Animals</i>		
11	Sheeps, goats, lambs and kids	1 per cent. <i>ad valorem</i> .
12	Oxen, cows, buffaloes, calves and horses	1 per cent. <i>ad valorem</i> .
13	Pigs	1 per cent. <i>ad valorem</i> .
<i>Class III.—Articles used for Fuel, Lighting, Washing and Industrial use.</i>		
14	Charcoal, coal and coke	1 per cent. <i>ad valorem</i> .
15	Crackers, fireworks and their components, calcium carbide and safety fuses.	7 per cent. <i>ad valorem</i> .

SCHEDULE A—*contd.*

Serial No. (1)	Description of Goods (2)	Maximum Rates of cess leviable (3)
16	Chandeliers, globes, chimneys, electric bulbs and articles for electric or gas lighting.	6 per cent. <i>ad valorem</i> .
17	Soap of all kinds, boot and metal polish ..	3 per cent. <i>ad valorem</i> .
18	Potash, ritha, soda, alum, saline substances, <i>shikakai</i> , washing soda, caustic soda refined salt, patre, phenyle and substances used in washing clothes, floor and utensils.	4 per cent. <i>ad valorem</i> .
19	Oil seeds of inedible oils	4 per cent. <i>ad valorem</i> .
20	Inedible vegetable oils	4 per cent. <i>ad valorem</i> .
21	Methylated and denatured spirits and industrial alcohols.	6 per cent. <i>ad valorem</i> .
22	(a) Mineral oils of all sorts, diesel oil, petrol, aviation spirit, all kinds of lubricating oils, white oil, spindle oil, furnace oil, petroleum products including natural gas and liquified petroleum gas, mava oil, sevasol, solvent oil, other fuel oils, oils used as insecticides, natural gasoline, paints solutions and compositions, turkey red oil and by products of mineral oils (but nothing hereinbefore contained shall included kerosene and crude oil).	1 per cent <i>ad valorem</i> .
	(b) Crude Oil	1 per cent. <i>ad valorem</i> .
	(c) Grease and petroleum jelly	4 per cent. <i>ad valorem</i> .
<i>Class IV.—Articles used in construction of Buildings, Roads and Other structures and Articles made of Wood and Cane.</i>		
23	Cement of all sorts	4 per cent. <i>ad valorem</i> .
24	Coaltars asphalt, bitumen flooring stone, manganese, emery stone or powder, chalk powder, stone chips, Agra stone, stone for building, clinker and coalash.	4 per cent. <i>ad valorem</i> .
25	Glazed bricks, tiles marble pieces, fire bricks, bricks, all kind of roofing tiles, flooring tiles, china mosaic chips, mosaic marble, mosaic or terrazo tiles, earthen pipes, china pipes, cement pipes and asbestos cement sheets.	4 per cent. <i>ad valorem</i> .
26	Paints distemper and colour washes used for painting buildings, varnish boiled lines oil, turpentine, zinc oxide and red oxide.	4 per cent. <i>ad valorem</i> .

SCHEDULE A—*contd.*

Serial No. (1)	Description of Goods (2)	Maximum Rates of cess leviable (3)
27	Yellow earth and earth of any other kind except red earth.	4 per cent. <i>ad valorem</i> .
28	Glass, glassware, chinaware, enamelware all kinds of crockery used for construction or decoration of buildings and sanitary fittings, metal valves, brass cocks and their fittings.	4 per cent. <i>ad valorem</i> .
29	Roofing felt.	2 per cent. <i>ad valorem</i> .
30	Timber, ballies cane and articles made of any of them, doors, windows, frames, furnitures, pets, staircases, sandal wood and articles made of such wood.	6 per cent. <i>ad valorem</i> .
31	Playwood, soft boards, hard boards masonite or any other kind of wood of whatever composition prepared by artificial process and article made thereof.	6 per cent. <i>ad valorem</i> .
<i>Class V.—Perfumes, Toilet Requisites, Colours and Household Goods.</i>		
32	(a) Hair oil, perfumed oils, perfumary of all kinds, scents, <i>attars</i> , scented material, aromatic chemicals, toilet incense sticks, toilet requisites of all kinds, shaving cream, shaving sticks, tooth powder, tooth paste, pomade, comb, brushes, looking glasses, hairpins, breeches, garters and suspenders.	4 per cent. <i>ad valorem</i> .
	(b) Scissors, razors, safety razors, blades, knives, pen knives, spoons, forks, cutlery of all kinds, needles of all sorts, locks and key, stoves and petromax and their parts and accessories and hardware articles.	4 per cent. <i>ad valorem</i> .
	(c) Laces, tapes, rings of wood and metal, embroidery articles, celluloid and celluloid articles, beads of all sorts, imitation pearls, articles, of imitation jewellery, plastic and plastic goods, plastic powder, bakelite and bakelite goods.	4 per cent. <i>ad valorem</i> .
33	(a) Imitation ornaments.	6 per cent. <i>ad valorem</i> .
	(b) Toys of all kinds.	3 per cent. <i>ad valorem</i> .
34	Crockery of all sorts.	2 per cent. <i>ad valorem</i> .
35	Glass and glassware including bangles, bottles, articles of china and porcelain wares and earthen wares (excluding articles used for construction or decoration of buildings).	2 per cent. <i>ad valorem</i> .

SCHEDULE A—contd.

Serial No. (1)	Description of Goods (2)	Maximum Rates of cess leviable (3)
<i>Class VI.—Tobacco Requisites.</i>		
36	Cigar and Cigarette holders, smoking pipes, cigarette paper, tobacco cases, pouches, cigarette and cigar cases, <i>hukka</i> and smoking requisities and cigarette lighters.	6 per cent. <i>ad valorem</i> .
<i>Class VII.—Piece goods cotton, yarn and threads of all sorts and starching and sizing materials, leather and articles of leather and rubber goods.</i>		
37	Piece goods of wool, silk linen, hemp, artificial and synthetic materials and articles made up purely or partly of any of the above material not otherwise specified, 100 per cent. cotton fabrics, readymade garments made out of 100 per cent. cotton fabrics, hosiery goods made out of 100 per cent. cotton fabrics, sanitary towels, napkins, disposable baby-diapers, cotton beds and pillows and surgical cotton.	2 per cent. <i>ad valorem</i> .
38	Cotton ginned or unginned.	4 per cent. <i>ad valorem</i> .
39	Cotton waste, yarn waste and hard waste.	4 per cent. <i>ad valorem</i> .
40	Raw or unspun wool hemp, jute, coconut and other fibres and rope and articles made thereof,	2 per cent. <i>ad valorem</i> .
41	Yarn and threads of all sorts.	1 per cent. <i>ad valorem</i> .
42	Starches of all sorts, sargo, rice and flour, arrowroot, tapioca and its flour, tamarind powder, farina starches and sizing materials, tallow, sizing oils and such substitutes.	4 per cent. <i>ad valorem</i> .
43	Hides and skins	2 per cent. <i>ad valorem</i> .
44	Leather including harness, saddles, bags, boxes, shoes, <i>chappels</i> , slippers, sandals, straps and all articles made of leather.	2 per cent. <i>ad valorem</i> .
	Rubber tyres and tubes	4 per cent. <i>ad valorem</i> .
46	(a) Rubber, rubber goods, gatta, purcha and articles made thereof (wholly or partly) rubber solution and latex.	1.5 per cent. <i>ad valorem</i> .
	(b) Raw Rubber	1.5 per cent. <i>ad valorem</i> .

Serial No.	Description of Goods	Maximum Rates of cess leviable
(1)	(2)	(3)
<i>Class VIII—Metals and articles made of metals.</i>		
47	Iron and Steel	4 per cent. <i>ad valorem</i> .
	(a) Pig iron.	
	(b) Blooms, billets and slabs.	
	(c) Structural—	
	(i) joints, (ii) channels, (iii) angles, equal or unequal, (iv) bulbs or toe, (v) light rails, (vi) fish plate for light rails, (vii) shell, steel ingots blooms, billets and bars, (viii) black or galvanised sheets, plain or corrugated, (ix) plates, ordinary mild steel including boiler and high tensile ship building or bullet proof, (x) bars and rods, (xi) bolts, nuts, washers rivets and such other articles, (xii) wire barbed, telegraph or other kind of black galvanised, (xiii) wire nails, (xiv) spring steel, vehicular or flat bars, (xv) hoops and strips, and (xvi) pipes.	
48	Iron and steel—Scrap.	4 per cent. <i>ad valorem</i> .
49	Iron and steel—any other articles manufactured from iron or steel other than cutlery, hardware and machines or machines parts not specifically provided for.	4 per cent. <i>ad valorem</i> .
50	Machinery and their components and spares	2 per cent. <i>ad valorem</i> .
	(a) (i) Electric machinery for generation, transmission and distribution and motors and generators and their components and spares.	
	(ii) Electric goods including cells batteries and copper strips, horn electric,	
	(iii) Electric fittings and material,	
	(iv) Electrical domestic appliances,	
	(v) Electrical machinery of all kinds, control sets, switch-gear, generators, alternators and dynamos, motors, transformers and turbo generating sets.	

SCHEDULE A—contd.

Serial No.	Description of Goods	Maximum Rates of cess leviable
(1)	(2)	(3)
	(b) Agricultural machinery and parts.	
	(c) Oil engines, diesel engines, steam engines, petrol and gas engines and machines worked by hydraulic pressure and their parts.	
	(d) Tools of all kinds.	
	(e) Printing press machines and spares.	
	(f) Any other machinery, its components and spares not specifically provided for.	
51	Vehicles—	
	(a) Motor cars, motor cycles, chassis and lorries.	4 per cent. <i>ad valorem</i> .
	(b) Bicycles, perambulators, carriages all kind of vehicles and their components and spares.	1 per cent. <i>ad valorem</i> .
52	Instruments, apparatus, appliances and part thereof—	4 per cent. <i>ad valorem</i> .
	(a) Sewing machines, clocks and watches and typewriters and their spares.	
	(b) Radio, radiograms, television set of apparatus, loudspeakers and gramophones, amplifiers, wireless goods, video cassette recorders, video cassette players, their components and spares.	
	(c) Photographic machinery, photo goods and materials including photographic chemicals, films and mounts and their components and spares.	
	(d) Cine projection machinery, their components spares and material used therein.	
	(e) Surveying apparatus.	
	(f) Scientific appliance.	
	(g) Optical goods, their spares and accessories, surgical instruments and hospital requirement including their spares and accessories.	
	(h) Mill and gin stores including crucibles, cotton ropes and spares.	
	(i) All kind sof apparatus, appliances and spares.	

SCHEDULE A—contld.

Serial No. (1)	Description of Goods (2)	Maximum Rates of cess leviable (3)
53	Non-ferrous metals that is to say brass, copper, tin, aluminium, lead, zinc, german silver, stainless steel their alloys wire-wares and sheets, ignots and circles etc.	4 per cent. <i>ad valorem</i> .
<i>IX.— Miscellaneous Class.</i>		
54	Dyes tans indigo and all colouring matter including printing paste, inks and industrial paints.	1 per cent. <i>ad valorem</i> .
55	Paper—	
	(a) Newsprints	7 per cent. <i>ad valorem</i> .
	(b) Card boards, straw-boards, grey-boards and mill-boards.	7 per cent. <i>ad valorem</i> .
	(c) All kinds of paper of whatever composition and thickness.	7 per cent. <i>ad valorem</i> .
56	Lac and cork and articles made thereof	2 per cent. <i>ad valorem</i> .
57	Sculptured articles of wood, stone clay or metal, other articles and earthenware.	4 per cent. <i>ad valorem</i> .
58	Chinaware, porcelainware and electric insulators not otherwise specified.	2 per cent. <i>ad valorem</i> .
59	(a) Cinema films, all film raw. ..	7 per cent. <i>ad valorem</i> .
	(b) Cinema films processed and reels ..	7 per cent. <i>ad valorem</i> .
60	Molasses	7 per cent. <i>ad valorem</i> .
61	All articles other than those specified in the preceding entries of this Schedule.	2 per cent. <i>ad valorem</i> .

19 + 55

SCHEDULE 'B'

[See section 152 C (1)]

Articles free from payment of cess

Serial No. (1)	Articles (2)
1	Books and periodicals including almanacs, <i>panchangs</i> and time-tables for passanger transport services, catalogues, all publications which publicize goods, services and articles for commercial purposes, race cards, account books, diaries, calenders, office files and documents answer books (blank or used), tags, wedding cards, greeting cards, invitation cards, post cards, picture-post cards, cards for special occasions, visiting cards, photo albums, stamp albums made of paper, playing cards and news papers.
2	Poultry, eggs and flesh of poultry.
3	Cattle-feed including fodder and concentrates meant exclusively for cattle, cotton seeds, oil cake and feed supplements.
4	Chillies, turmeric, <i>dhania</i> , <i>methi or suva</i> , whole or powdered, tamarind seeds, whole or separated.
5	Coconut in shell, separated kernal of coconut and copra.
6	<i>Bidi leaves</i> .
7	Electricity.
8	Fertilisers and manures including chemical manures.
9	Firewood, bamboo and articles made of bamboo except toys.
10	Fish, fresh and dry, and fish oils.
11	Fresh flowers, fresh vegetables, potatoes, sweet potatoes, elephant's foot (Yam) ginger, onions, garlic, fresh fruits and betel nut.
12	Life saving drugs.
13	<i>Pan</i> , <i>tambul</i> , <i>vida or patti</i> , prepared from betel leaves.
14	Plantain leaves, <i>palas</i> leaves, <i>patraval</i> , <i>dron</i> .
15	Salt.
16	Silk worm eggs and silk worm cocoons.
17	Slates and slate pencils, chalk-sticks and crayons, exercise and drawing books, lead pencils, orrerries and their parts, fountain pens, ball pens, stylogrph pens, propelling pencils and refill.
18	Sugarcane.

SCHEDULE B—*contd.*

Serial No. (1)	Articles (2)
19	Water-mineral, medicinal, distilled or demineralised water, wat for injection and plain acqua excluding aerated water.
20	Oils seeds of edible oils and edible oils.
21	Flowers seeds, fruit seeds, vegetable seeds, seeds of lucerne and other fodder grass, seeds of the canna, hemp, bulb corns, hizomes, suckers and tubers (including edible tubers), bud grafts, cuttings, grafts, layers, seedlings and plants.
22	Poultry feed and concentrates exclusively meant for poultry or other birds.
23	Safety matches (excluding matches ordinarily used as fire works.)
24	Medicines excluding tooth powder or tooth paste, cosmetics, toilet requisites and soaps, whether used as medicine or otherwise, blood and herbal drugs.
25	Sports goods, gymnasium goods, marbles, pebbles and musical instruments.
26	Insecticides excluding oils used as insecticides, pesticides, fungicides and weedicides.
27	Aeroplanes of all kinds including helicopters and components, parts and accessories of any of them.
28	Ice and dry ice.
29	Mica graphite and activated earth.
30	Fowls of all sorts, ducks and birds.
31	Human hair and animal hair.
32	Mercury.
33	All animals, wild beasts, domestic pest except those to which entries 11, 12 and 13 of Schedule A apply.
34	Animal bones, horns and hooves.
35	Currency notes and coins.
36	Bee wax, baby berry wax and wax excluding petroleum wax.
37	Brooms.
38	Vitamins.
39	Whole milk, toned milk and skimmed milk powder and curds.
40	Kerosene.
41	Red earth.

SCHEDULE C

[See section 152 C (2)]

List of goods on which cess shall not be payable to the Corporation.

(1) *Bona-fide* personal luggage of passengers arriving by the air, sea, river, rail or road and articles for their private and personal use, which have already been in use at the time of import.

(2) Machines worked by manual power for *bona-fide* use of educational institutions.

(3) Camp equipment of Government officers on tour.

(4) Necessaries (not being articles of food and drink) equipment and clothing procured by the officers in command of troops for the direct and exclusive use of their men and camp followers, if and when accompanied at the time they enter the cess limits by certificate of the officer commanding that they are so intended.

(5) Goods entering the cess limits either in exhibition train itself, or for being placed in any exhibition to be held in the cess limits but not for sale; in the latter case on the production of certificate to that effect from the Secretary or the Manager managing the said exhibition.

(6) *Bona-fide* commercial samples meant for free distribution and not meant for transfer or sale so certified by the importer.

(7) Goods imported by rail, sea or air and rebooked and exported without being removed from the premises of the railway, docks, *bunders*, wharfs and airports.

(8) Goods imported in accordance with the orders of a Court of law in connection with its official use.

(9) Used furniture tents, chholdaries, crockery, utensils, lamps, ballies, hired for parties, marriage ceremonies and public functions outside the cess limits which were so taken outside with the written permission of a Cess Authority and which are accompanied by the said written permission, while re-entering the cess limits.

(10) Machinery, instruments and other articles and their components parts, which were taken outside the cess limits for the purposes of repairs or processing, if imported with the written permission of a Cess Authority and are accompanied by the said written permission, while re-entering the cess limits.

(11) Free gifts of any goods received as aid or relief supplied from any foreign Government or its recognized agency operating in India.

Explanation I.—For the purpose of this entry “recognized agency” means an agency specified as such by the State Government by an order published in the *Official Gazette*.

Explanation II.—If any doubt arises as to whether any particular gift is eligible for exemption under this rule or not, the matter shall be referred to the State Government, whose decision shall be final.

(12) All contraceptives, drugs or appliances used for Family Planning purposes.

(13) (i) Cotton, hand spun yarn and *Khadi* cloth.

(ii) Woollen hand spun yarn and hand woven cloth, including *Ghongadis*,

(iii) Hand spun and reeled silk yarn and hand woven silk cloth, including trassar yarn and cloth.

(iv) Village industries products.

Explanation.—The exemption from payment of cess duty under this entry shall be given subject to the condition that the goods are certified by the Maharashtra State Khadi and Village Industries Board, or the Khadi and Village Industries Commission.

(14) Empty Treasure Boxes supplied by the Reserve Bank of India to its Agency Banks for packing the Government Treasure for despatch to Agency Banks or to the Head Office of the Bank.

(15) Concessional quality white printing paper supplied by the Government of India.

(16) Locally manufactured article consigned from within the limit of the City but returned to the consignor within six months from the date of their export on account of the refusal of the consignee to accept the same either wholly or partly subject to the furnishing of adequate documentary evidence.

(17) (i) Flat solar collectors.

(ii) Concentrating and pipe type solar collectors.

(iii) Solar cookers.

(iv) Solar waterheaters and systems.

(v) Air/gas/fluid heating systems.

(vi) Solar crop driers and systems.

(vii) Solar stills and desalination systems.

(viii) Solar pumps based on solar thermal and solar photovoltaic conversion.

(ix) Solar power generating systems.

(x) Solar photovoltaic modules and panels for water pumping and other applications.

(xi) Wind mills and any specially designed devices which run on wind mills.

(xii) Any special devices including electric generators and pumps running on wind energy.

(xiii) Biogas plants and biogas engines.

(xiv) Agricultural and municipal waste conversion devices producing energy.

(xv) Equipment for utilising ocean waves and thermal energy.

(18) Cotton yarn used for handlooms and handloom cotton cloth.

(19) Films imported by educational institutions recognised by the Government for the purpose of free education to students.

(20) *Bona fide* luggage and kit belonging to a travelling circus, or to a travelling company, performing Dramas, *Lok Natyas* or *Tamashas* and which is to be used for the performance of the Dramas, *Lok Natyas* or *Tamashas*, as the case may be.

(21) (a) Bread (Handmade) ;

(b) *Ganesh* idols made of either clay or plaster of paris, brought at the time of *Ganesh Chaturthi*.]

[SCHEDULE D]

(See section 453).

CHAPTER I.

ELECTION RULES.

Municipal Election Roll.

²[1. Printed copies of the municipal election roll shall be kept for public inspection in the chief municipal office and such other places as the Commissioner may think fit.] Election roll to be kept for public inspection.

Elections of Councillors.

7. (1) The nomination of candidates for general ward elections of councillors shall be fixed by the Commissioner to take place on such days in the three months immediately preceding the date on which the term of office of the councillors elected at the last preceding general elections is due to expire under section 6 as he shall think fit. Dates of nominations.

(2) The nomination of candidates for elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

8. Fifteen days at least before the day fixed for the nomination of candidates for a ward election notice thereof shall be given by the Commissioner. Such notice shall be given by advertisement in the *Official Gazette* and in the local newspapers and by posting playcards in conspicuous places in the ward for which such election is to take place. Notice to be given of day fixed for nomination of candidates for ward elections.

9. (1) Candidates for election at a ward election must be duly nominated in writing in accordance with the provisions hereinafter contained. Provisions regarding nomination of candidates.

(2) With respect to such nominations, subject to sub-rule (3), the following provisions shall have effect, namely:—

(a) nomination papers shall be in Form A ;

(b) the Commissioner shall provide printed forms of nomination papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the nomination of candidates and upto four o'clock in the afternoon on such day, with as many such forms as may be required, free of charge ;

(c) each nomination paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder and must bear the signature of the person nominated in token of his willingness to be so nominated ;

¹ This heading was substituted for the heading " The Schedule " by Mah. 3 of 1996, s.8(a).

² Rule 1 was substituted for rules 1 to 6 by Mah. 34 of 1965, s.10 (a).

(d) every nomination paper subscribed and signed as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of the day fixed for the nomination of candidates ;

(e) each candidate must be nominated by a separate nomination paper; ^{1*}

(f) The Commissioner shall on receiving a nomination paper enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him ;

(g) if any person subscribes more nomination papers than ²[one, the nomination papers received after the receipt of the first shall be deemed to be invalid;]

(h) if any person nominated—

³[(i) is not qualified to be elected as a councillor under sub-section (I) of section 9],

(ii) has not made or caused to be made the deposit referred to in sub-rule (1) of rule 10, or

(iii) is disqualified under any provision of this Act for being a councillor, the Commissioner shall declare such persons' nomination invalid ;

¹ This portion beginning with "but any person" and ending with "but no more" was deleted by Mah. 26 of 1967, s.3 (a) (i).

² This portion was substituted, *ibid.*, s.3 (a) (ii).

³ Sub-Clause (i) was substituted by Mah. 12 of 1990, s.8.

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND CITY
OF NAGPUR CORPORATION (AMENDMENT) ACT, 1965.**

CONTENTS.

PREAMBLE.

SECTIONS.

- 1-10. [*The amendments have been incorporated in Bom. LIX of 1949*].
11. Amendment of section 5 of C. P. and Berar II of 1950.
12. Substitution of section 9 of C. P. and Berar II of 1950.
13. Deletion sections 10 and 11 of C. P. and Berar II of 1950.
14. Substitution of sections 12 and 13 of C. P. and Berar II.
15. Substitution of section 14 of C. P. and Berar II of 1950.
16. Amendment of section 15 of C. P. and Berar II of 1950.
17. Amendment of section 16 of C. P. and Berar II of 1950.
18. Amendment of section 17 of C. P. and Berar II of 1950.
19. Amendment of section 18 of C. P. and Berar II of 1950.
20. Amendment of section 19 of C. P. and Berar II of 1950.
21. Amendment of section 20A of C. P. and Berar II of 1950.
22. Amendment of section 21 of C. P. and Berar II of 1950.
23. Amendment of section 22 of C. P. and Berar II of 1950.
24. Substitution of section 24 of C. P. and Berar II of 1950.
25. Amendment of section 25 of C. P. and Berar II of 1950.
26. Amendment of section 30 of C. P. and Berar II of 1950.
27. Amendment of section 410 of C. P. and Berar II of 1950.
28. Amendment of section 420 of C. P. and Berar II of 1950.
29. Amendment of section 428 of C. P. and Berar II of 1950.
30. Savings.
31. Removal of difficulty.
32. Repeal of Mah. Ord. III of 1965.

MAHARASHTRA ACT No. XXXIV OF 1965¹

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND CITY OF NAGPUR
CORPORATION (AMENDMENT) ACT, 1965.]

[17th August 1965]

**An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949
and the City of Nagpur Corporation Act, 1948.**

Bom. LIX of 1949. C. P. and Berar II of 1950. WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby enacted in the Sixteenth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Provincial Municipal Corporations and City of Nagpur Corporation (Amendment) Act, 1965. Short title.

2-10. [The amendments made by section 2-10 have been incorporated in the Bombay Provincial Municipal Corporations Act, 1949.]

C.P. & Berar II of 1950. 11. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), after clause (1), the following clauses shall be inserted, namely :— Amendment of section 5 of C. P. and Berar II of 1950.

"(1A) 'Assembly constituency' means a constituency provided by law for the purpose of elections to the Maharashtra Legislative Assembly, or any part thereof, which is for the time being comprised in the City; Assembly constituency.

(1B) 'Assembly roll' means the electoral roll prepared for any Assembly constituency in accordance with the provisions of the Representation of the People Act, 1950; Assembly roll.

XLIII of 1950.

12. For section 9 of the Nagpur Corporation Act, the following section shall be substituted, namely :— Substitution of section 9 of C. P. and Berar II of 1950.

"9. (1) The Corporation shall consist of such number of Councillors elected at ward elections as the State Government may from time to time by notification in the Official Gazette fix. Constitution of Corporation and division of City into wards.

(2) The State Government shall, from time to time, by notification in the Official Gazette, specify for the City the number and boundaries of the wards into which the City shall be divided for the purpose of the ward election of Councillors, and the number of Councillors to be elected for each ward:

Provided that, no notification issued under sub-section (1) or sub-section (2) shall have effect except for the general election held not less than six weeks next after the date thereof, and for subsequent elections :

Provided further that, for the purpose of any general election held before the expiration of the period for the time being specified in article 334 of the Constitution of India, and for by-elections (if any) before the next general election after

¹ For Statement of Objects and Reasons see Maharashtra Government Gazette, 1965, Part V. Extra, page 290.

the expiration of such period, so held, the State Government shall, in any notification issued under sub-section (2), provide for the reservation for members of the Scheduled Castes of such number of seats out of the seats allotted to specified wards as the State Government may deem fit having regard to the population of members of the Scheduled Castes in the City :

Provided also that, the fact that the reservation of seats has ceased to have effect shall not render any person elected and in office immediately before the cesser, ineligible from continuing as a Councillor during the rest of the term to which he was duly elected."

Deletion of sections 10 and 11 of C. P. and Berar II of 1950.

13. Sections 10 and 11 of the Nagpur Corporation Act shall be deleted.

Substitution of sections 12 and 13 of C. P. and Berar II of 1950.

14. For sections 12 and 13 of the Nagpur Corporation Act, the following sections shall be substituted, namely :—

Adoption of relevant Assembly roll as municipal electoral roll.

" 12. (1) For the purposes of elections to the Corporation, the Assembly roll for the time being in force on such date as the State Government may by notification in the *Official Gazette* specify (such date not being earlier than thirty days from the date of such notification), shall be divided by the officer authorised by the State Government in this behalf, into different sections corresponding to the different wards in the City ; and a printed copy of each section of the roll so divided and authenticated by the authorised officer, shall be forwarded to the Commissioner, and shall be the ward roll for the ward. The ward rolls shall collectively be deemed to constitute the municipal electoral roll. Every person whose name is included in such ward roll, shall be deemed to be enrolled in the municipal electoral roll.

(2) The cost of preparing the ward rolls shall be determined by the State Government, and the sum so determined shall be paid out of the municipal fund.

(3) The Commissioner, on receipt of the ward rolls under sub-section (1), shall notify such receipt in the *Official Gazette*. He shall maintain the roll for each ward, and prepare copies thereof in English and Marathi and keep them for sale to the public on payment of such charges as the State Government may direct.

Commencement and duration of municipal roll.

13. (1) The Municipal electoral roll received under the last preceding section shall come into operation on the date on which its receipt by the Commissioner is notified in the *Official Gazette*.

(2) If for any reason, a revised municipal electoral roll is not received from the authorised officer in time, the existing municipal electoral roll for the time being in force shall continue to be in operation until the revised municipal electoral roll is received by the Commissioner and comes into operation.

Explanation.—Until a municipal electoral roll is received by the Commissioner under the last preceding section and comes into operation, the municipal electoral roll in operation immediately before the 3rd day of June 1965, shall be deemed to be the existing municipal electoral roll for the time being in force."

15. For section 14 of the Nagpur Corporation Act, the following section shall be substituted, namely :—

Substitution of section 14 of G. P. and Berar II of 1950.

" 14. (1) Subject to the provisions of this Act, a person who is enrolled in the municipal electoral roll as a voter for a ward shall be qualified to be a Councillor, and to be elected either from such ward or from any other ward.

Qualifications of candidates.

(2) Any person who ceases to be a Councillor shall, if qualified under sub-section (1), be eligible for re-election as such."

16. In section 15 of the Nagpur Corporation Act,—

Amendment of section 15 of G. P. and Berar II of 1950.

(a) for the words " shall be eligible for election, selection, or appointment " the words " shall be eligible for election " shall be substituted ;

(b) in clause (g-1), the words, brackets, figures and letter " except when appointed under sub-clauses (iv) and (v) of clause (d) of sub-section (1) of section 9, " shall be deleted.

17. In section 16 of the Nagpur Corporation Act,—

Amendment of section 16 of C. P. and Berar II of 1950.

(a) the words " , selection, or appointment " shall be deleted ;

(b) the proviso shall be deleted ;

(c) for the marginal note, the following marginal note shall be substituted, namely :—

" Notification of election of Councillor, Mayor and Deputy Mayor. "

18. In section 17 of the Nagpur Corporation Act, in sub-section (2), the words " , selection, or appointment " shall be deleted.

Amendment of section 17 of C. P. and Berar II of 1950.

19. In section 18 of the Nagpur Corporation Act,—

Amendment of section 18 of C. P. and Berar II of 1950.

(a) the words " appointed or selected " shall be deleted ;

(b) the words " , appointment or selection, as the case may be, " shall be deleted ;

(c) in the proviso, for the words " elected or selected " the word " elected " shall be substituted.

20. In section 19 of the Nagpur Corporation Act, the words " , selected or appointed " shall be deleted.

Amendment of section 19 of C. P. and Berar II of 1950.

21. In section 20A of the Nagpur Corporation Act, in sub-section (3), the words " , selected or appointed " shall be deleted.

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

Amendment of section 21 of C. P. and Berar II of 1950.

22. In section 21 of the Nagpur Corporation Act, in sub-section (6), the words " , selection, or appointment " shall be deleted.

Amendment of section 23 of C. P. and Berar II of 1950.

23. In section 22 of the Nagpur Corporation Act, in sub-section (3), the words " , selection or appointment " shall be deleted.

Substitution of section 24 of C. P. and Berar II of 1950.

24. For section 24 of the Nagpur Corporation Act, the following section shall be substituted, namely :—

First meeting after general election.

" 24. After every general election, the Commissioner shall call the first meeting of the Corporation as soon as the election of Councillors is notified, to elect the Mayor, the Deputy Mayor, the Standing and the Special Consultative Committees. "

Amendment of section 25 of C. P. and Berar II of 1950.

25. In section 25 of the Nagpur Corporation Act, in sub-section (2), the words, brackets and figure " sub-section (2) of " shall be deleted.

Amendment of section 30 of C. P. and Berar II of 1950.

26. In section 30 of the Nagpur Corporation Act, for sub-section (1), the following sub-section shall be substituted, namely :—

" (1) The quorum to constitute a meeting of the Corporation shall if it is a special meeting be one-half, and if a general meeting be one-third, of the total number of Councillors. "

Amendment of section 410 of C. P. and Berar II of 1950.

27. In section 410 of the Nagpur Corporation Act,—

(a) in sub-section (2), the words " to prepare a register of electors and " shall be deleted ;

(b) in sub-section (3), the words " and appointed " shall be deleted.

Amendment of section 420 of C. P. and Berar II of 1950.

28. In section 420 of the Nagpur Corporation Act,—

(a) in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely :—

" (a) the maintenance of the municipal electoral roll ; "

(ii) clauses (b), (c) and (e) shall be deleted ;

(iii) in clause (f), the words " or interest " shall be deleted ;

(iv) in clause (h), the words " or communities " shall be deleted ;

(b) in sub-section (3),—

(i) for clause (a), the following clause shall be substituted, namely :—

" (a) the preparation, publication and sale of copies of the municipal electoral roll ; "

(ii) clauses (ii) to (vi), both inclusive, shall be deleted ;

(iii) in clause (xxv), the words " preparation, revision, " shall be deleted.

Amendment of section 428 of C. P. and Berar II of 1950.

29. In section 428 of the Nagpur Corporation Act, in sub-section (1), the words " or constituency, as the case may be, " shall be deleted.

30. Nothing contained in section 12 and other provisions of this Act relating ^{Savings.} to the Nagpur Corporation Act shall affect the constitution of the Corporation, the Standing Committee, any Special Consultative Committee or any other Committee or authority as constituted or appointed under the Nagpur Corporation Act immediately before the 3rd day of June 1965, and any casual vacancy in the office of a Councillor or a member of any of the said committees or authority before the expiry of the term of the existing Councillors shall, subject to the provisions of the Nagpur Corporation Act, be filled as if this Act had not been passed.

31. If any difficulty arises in giving effect to the provisions of the Bombay ^{Removal of} Provincial Municipal Corporations Act as amended by this Act or of the Nagpur ^{difficulty.} Corporation Act as amended by this Act, the State Government may, as occasion arises, by order do anything which appears to it necessary for the purposes of removing the difficulty :

Provided that, no order shall be made under this section after the 2nd day of June 1967.

Mah. **32.** The Bombay Provincial Municipal Corporations and City of Nagpur Corpo- ^{Repeal of}
Ord. **ration (Amendment) Ordinance, 1965, is hereby repealed ; and anything done or** ^{Mah. Ord.}
III of **any action taken under the Ordinance so repealed or under the Bombay Provincial** ^{III of 1965.}
1965. **Municipal Corporations Act, 1949, or the City of Nagpur Corporation Act, 1948,**
Bom. **as amended by the said Ordinance, shall be deemed to have been done or taken under**
LIX of **this Act or under the relevant Act aforesaid as amended by this Act, as if this Act**
1949. **had commenced on the 3rd day of June 1965.**
C.P. &
Berar
II of
1950.

MAHARASHTRA ACT No. XXXV OF 1967¹

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1967]

[20th December 1967]

An Act further to amend the Bombay Municipal Corporation Act, Bombay Provincial Municipal Corporations Act, 1949 and City of Nagpur Corporation Act, 1948.

WHEREAS, it is expedient further to amend the Bombay Municipal Corporation Act, Bombay Provincial Municipal Corporations Act, 1949 and City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby enacted in the Eighteenth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 1967.

2. [The amendment made by section 2 has been incorporated in the Bombay Municipal Corporation Act.]

3-4. [The amendments made by sections 3 and 4 have been incorporated in the Bombay Provincial Municipal Corporations Act, 1949.]

5. In section 12 of the City of Nagpur Corporation Act, 1948, in sub-section (3), for the words "in English and Marathi" the words "in Marathi" shall be substituted.

Amendment
of section
12 of C. P.
and Berar
II of 1950

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1967, Part V, Extra, page

Bom.
VII of
1888.
Bom.
LIX
of
1949.
C. P.
and
Berar
II of
1950.

C. P.
and
Berar
II of
1950

MAHARASHTRA ACT No. III OF 1969¹

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1968].

[3rd January 1969].

An Act further to amend the Bombay Municipal Corporation Act, Bombay Provincial Municipal Corporations Act, 1949, and City of Nagpur Corporation Act, 1948.

Bom. III of 1888.
Bom. LIX of 1949.
C.P. and Berar II of 1950.

WHEREAS, it is expedient further to amend the Bombay Municipal Corporation Act, Bombay Provincial Municipal Corporations Act, 1949, and City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 1968.

2. [Amendment of section 7 of Bom. III of 1888]. Amendment has been incorporated in the principal Act.

3. [Amendment of section 6 of Bom. LIX of 1949]. Amendment has been incorporated in the principal Act.

C.P. and Berar II of 1950.

4. In section 17 of the City of Nagpur Corporation Act, 1948, in sub-section (1), after the words "upon office" the following shall be added, namely:—

Amendment of section 17 of C. P. and Berar II of 1950.

but the said term may be extended by the State Government by notification in the *Official Gazette*, to a term not exceeding in the aggregate six years for reasons to be stated in the notification :

Provided that, before such notification is published in the *Official Gazette*, the State Government shall invite and consider objections, if any, from persons entitled to vote at ward elections under this Act".

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1968, Part V, Extra, page 310.

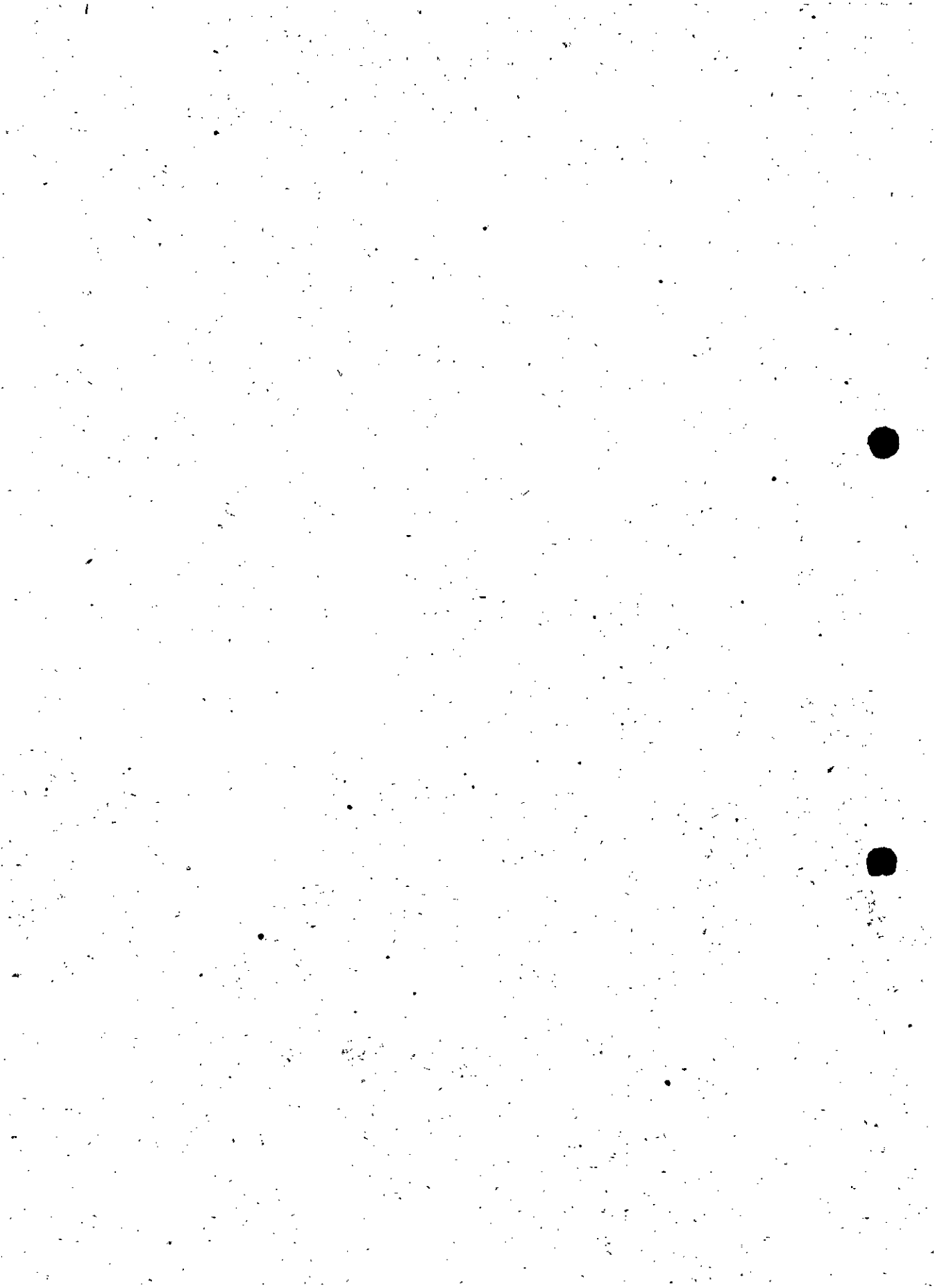
THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT)
ACT, 1970.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
- 2-7. [*The amendments have been incorporated in the Bombay Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]
8. Amendment of section 15 of C. P. and Berar II of 1950.
9. Amendment of section 20A of C. P. and Berar II of 1950.



MAHARASHTRA ACT No. XIII OF 1971¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1970.]

[3rd February 1971]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

Bom. III of 1888. WHEREAS, it is expedient further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

Bom. LIX of 1949.

C. P. and Berar II of 1950.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 1970.

Short title and commencement.

(2) Sections 3, 6 and 9 shall come into force on such date (which may be a date before or after the date on which the assent to this Act is first published in the *Official Gazette*) as the State Government may, by notification in the *Official Gazette*, appoint. The remaining provisions of this Act shall come into force at once.

2-7. [The amendments have been incorporated in the Bombay Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.]

C. P. and Berar II of 1950.

8. In section 15 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), after clause (c), the following clause shall be inserted, namely :—

Amendment of section 15 of C. P. and Berar II of 1950.

Mah. XIII of 1971. XLV of 1860.

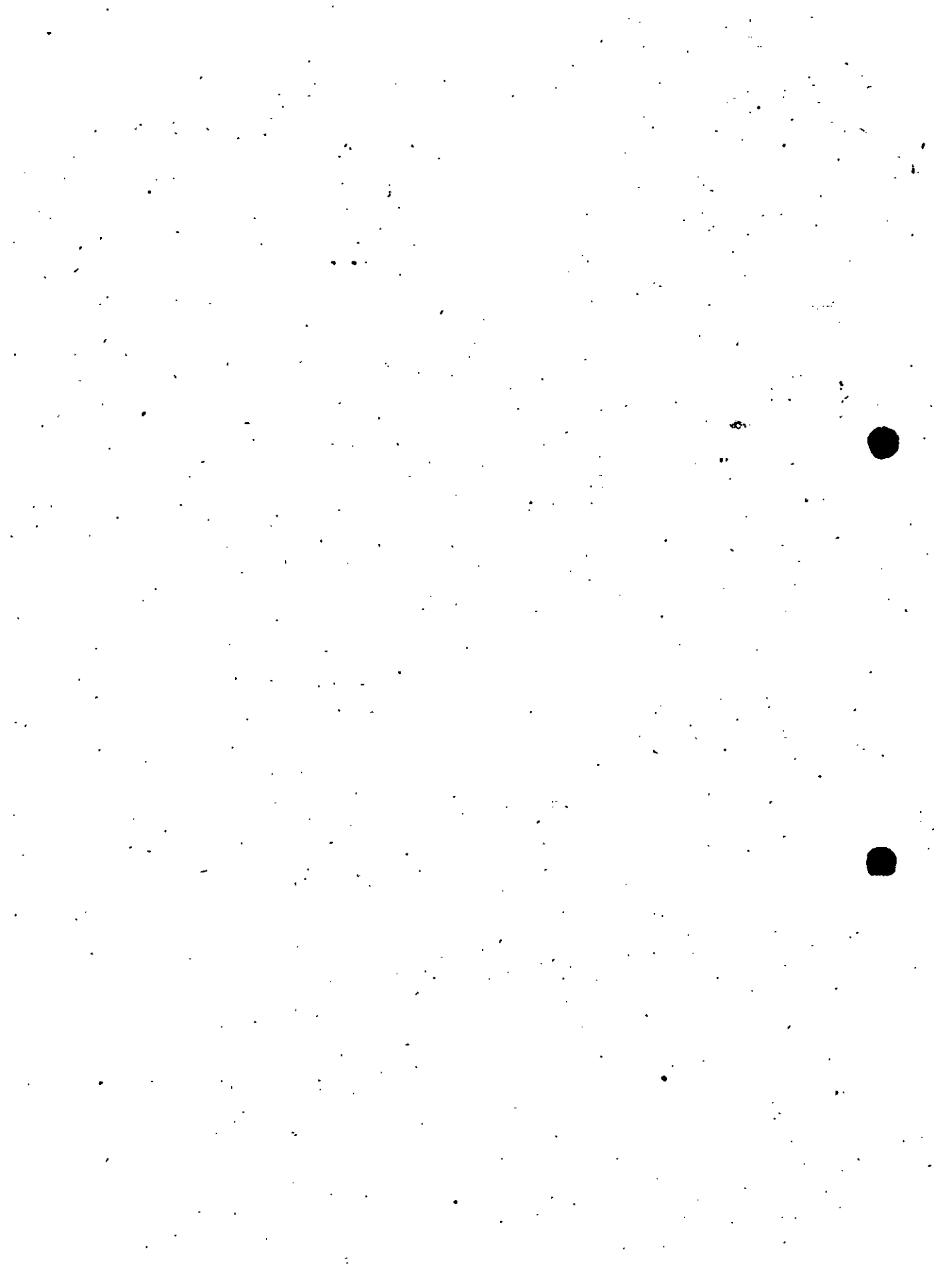
"(ca) has, at any time after the commencement of section 8 of the Maharashtra Municipal Corporations (Amendment) Act, 1970, been convicted of an offence punishable under section 153A, or sub-section (2) or (3) of section 505, of the Indian Penal Code :

Provided that, such disqualification shall be for a period of six years from the date of such conviction ; or "

9. In section 20A of the Nagpur Corporation Act, in sub-section (2), for the letters and figures "Rs. 3,000" the letters and figures "Rs. 5,000" shall be substituted.

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

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1970, Part V, Extra., p. 397.



**THE MAHARASHTRA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 2004**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
- 2 -3. [*The amendments have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]
4. Insertion of section 13 B in C. P. and Berar II of 1950.

THE UNIVERSITY OF CHICAGO



MAHARASHTRA ACT No. V OF 2005¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 2004.]

(This Act received the assent of the Governor on the 4th January 2005; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 4th January 2005.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:—

Bom. III of
1888.
Bom. LIX of
1949.
C. P.
and
Berar
II of
1950.

1. This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2004. Short title.

2.-3. [*The amendments have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]

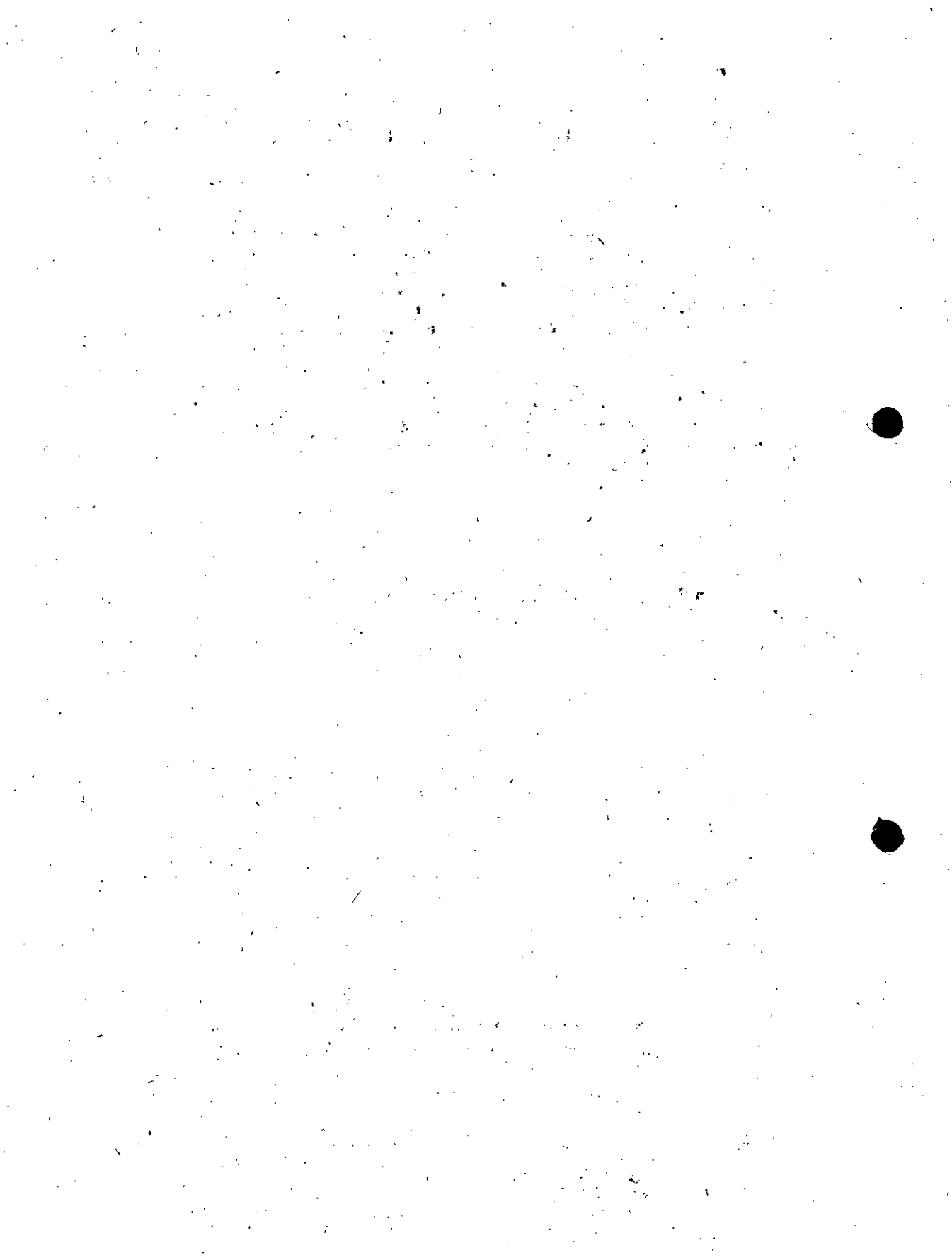
C. P.
and
Berar
II of
1950.

4. After section 13A of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely:—

Insertion of
section 13 B
in C.P. and
Berar II of
1950.

"13B. The voting at an election shall be by ballot or by electronic voting machine and no votes shall be received by proxy."
Manner of voting.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 2004, Extraordinary, Part V-A, page 289.



MAHARASHTRA ACT No. XXXVII OF 1974¹

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS (AMENDMENT AND VALIDATING PROVISIONS) AND OTHER MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1974]

[7th September 1974]

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the Bombay Municipal Corporation Act and the City of Nagpur Corporation Act, 1948

WHEREAS general elections to the Municipal Corporation of the City of Poona were to be held in June 1974 and a fresh municipal election roll had been prepared and the election programme fixing the date for nominations, the date of poll, etc., had already been issued ;

Bom. LIX of 1949. AND WHEREAS doubts had arisen regarding the interpretation of sub-section (1) of section 7A of the Bombay Provincial Municipal Corporations Act, 1949, and consequently of the validity of Government Notification, Urban Development, Public Health and Housing Department, No. PMC. 1173/65737-(2)-C, dated the 21st January 1974, issued thereunder, specifying the 5th day of December 1973 as the date for the purpose of preparing a fresh municipal election roll under that sub-section ;

AND WHEREAS it was expedient to remove all doubts regarding the interpretation of the said section 7A and to ensure the validity of the Government Notification mentioned aforesaid ;

AND WHEREAS both Houses of the State Legislature were not in session ;

Bom. LIX of 1949. AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Bombay Provincial Municipal Corporations Act, 1949 and to validate the notification aforesaid ;

Mah. Ord. VII of 1974. AND WHEREAS the Governor of Maharashtra promulgated the Bombay Provincial Municipal Corporations (Amendment and Validating Provisions) Ordinance, 1974, on the 20th day of May 1974 ;

Bom. III of 1888. C. P. and Berar II of 1950. AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature and to make similar amendment in the corresponding provisions in the Bombay Municipal Corporation Act and the City of Nagpur Corporation Act, 1948 ; It is hereby enacted in the Twenty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Provincial Municipal Corporations (Amendment and Validating Provisions) and other Municipal Corporations (Amendment) Act, 1974. Short title and Commencement.

(2) This Act, except sections 4 and 5, shall be deemed to have come into force on the 20th day of May 1974. Sections 4 and 5 shall come into force on the date of publication of this Act in the *Official Gazette*.

¹For Statement of Objects and Reasons, See *Maharashtra Government Gazette*, 1974, Pt. V, p. 838.

9330(2)

Bombay Provincial Municipal Corporations (Amendment and Validating Provisions) and other Municipal Corporations (Amendment) Act, 1974 [1974 : Mah. XXXVII]

2. [The amendment made by 5.2 of this Act has been incorporated in the Bombay Provincial Municipal Corporations Act, 1949].

Repeal of Mah. Ord. VII of 1974 and saving.

3. (1) The Bombay Provincial Municipal Corporations (Amendment and Validating Provisions) Ordinance, 1974, is hereby repealed.

Mah. Ord. VII of 1974.

(2) Notwithstanding such repeal, anything done or any action taken, by or under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken, by or under the principal Act as amended by this Act.

4. [The amendment made by 5.4 of this Act has been incorporated in the Bombay Municipal Corporation Act.]

5. In section 12 of the City of Nagpur Corporation Act, 1948, in sub-section (1), for the brackets and words " (being a date not earlier than four months before such notification), " the following shall be substituted, namely :—

Amendment of section 12 of C. P. and Berar II of 1950.

C. P. and Berar II of 1950.

" (being any date before such notification, but any such date shall not be earlier than four months immediately preceding the date of such notification), ".

MAHARASHTRA ACT No. XXXVII OF 1974¹

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS (AMENDMENT AND VALIDATING PROVISIONS) AND OTHER MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1974]

[7th September 1974]

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the Bombay Municipal Corporation Act and the City of Nagpur Corporation Act, 1948

WHEREAS general elections to the Municipal Corporation of the City of Poona were to be held in June 1974 and a fresh municipal election roll had been prepared and the election programme fixing the date for nominations, the date of poll, etc., had already been issued ;

Bom. LIX of 1949. AND WHEREAS doubts had arisen regarding the interpretation of sub-section (1) of section 7A of the Bombay Provincial Municipal Corporations Act, 1949, and consequently of the validity of Government Notification, Urban Development, Public Health and Housing Department, No. PMC. 1173/65737-(2)-C, dated the 21st January 1974, issued thereunder, specifying the 5th day of December 1973 as the date for the purpose of preparing a fresh municipal election roll under that sub-section ;

AND WHEREAS it was expedient to remove all doubts regarding the interpretation of the said section 7A and to ensure the validity of the Government Notification mentioned aforesaid ;

AND WHEREAS both Houses of the State Legislature were not in session ;

Bom. LIX of 1949. AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Bombay Provincial Municipal Corporations Act, 1949 and to validate the notification aforesaid ;

Mah. Ord. VII of 1974. AND WHEREAS the Governor of Maharashtra promulgated the Bombay Provincial Municipal Corporations (Amendment and Validating Provisions) Ordinance, 1974, on the 20th day of May 1974 ;

Bom. III of 1888. C. P. and Berar II of 1950. AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature and to make similar amendment in the corresponding provisions in the Bombay Municipal Corporation Act and the City of Nagpur Corporation Act, 1948 ; It is hereby enacted in the Twenty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Provincial Municipal Corporations (Amendment and Validating Provisions) and other Municipal Corporations (Amendment) Act, 1974. Short title and Commencement.

(2) This Act, except sections 4 and 5, shall be deemed to have come into force on the 20th day of May 1974. Sections 4 and 5 shall come into force on the date of publication of this Act in the *Official Gazette*.

¹For Statement of Objects and Reasons, See *Maharashtra Government Gazette*, 1974, Pt. V, p. 838.

9330(2)

Bombay Provincial Municipal Corporations (Amendment and Validating Provisions) and other Municipal Corporations (Amendment) Act, 1974 [1974 : Mah. XXXVII]

2. [The amendment made by 5.2 of this Act has been incorporated in the Bombay Provincial Municipal Corporations Act, 1949].

Repeal of Mah. Ord. VII of 1974 and saving.

3. (1) The Bombay Provincial Municipal Corporations (Amendment and Validating Provisions) Ordinance, 1974, is hereby repealed.

Mah. Ord. VII of 1974.

(2) Notwithstanding such repeal, anything done or any action taken, by or under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken, by or under the principal Act as amended by this Act.

4. [The amendment made by 5.4 of this Act has been incorporated in the Bombay Municipal Corporation Act.]

5. In section 12 of the City of Nagpur Corporation Act, 1948, in sub-section (1), for the brackets and words " (being a date not earlier than four months before such notification), " the following shall be substituted, namely :—

Amendment of section 12 of C. P. and Berar II of 1950.

C. P. and Berar II of 1950.

" (being any date before such notification, but any such date shall not be earlier than four months immediately preceding the date of such notification), ".

**THE MAHARASHTRA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1977**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 60 of Bom. III of 1888.
3. Amendment of section 60C of Bom. III of 1888.
4. Amendment of section 63 of Bom. III of 1888.
5. Amendment of section 86 of Bom. III of 1888.
6. Amendment of section 42 of Bom. LIX of 1949.
7. Amendment of section 59 of Bom. LIX of 1949.
8. Amendment of section 66 of Bom. LIX of 1949.
9. Amendment of section 52 of C. P. & Berar II of 1950.
10. Amendment of section 58 of C. P. & Berar II of 1950.

MAHARASHTRA ACT No. XLII OF 1977

[THE MAHARASHTRA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1977]

[31st August 1977]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay
Provincial Municipal Corporations Act, 1949 and the City of
Nagpur Corporation Act, 1948

Bom. WHEREAS it is expedient further to amend the Bombay Municipal Corporation
III of Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of
1888. Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby
Bom. LIX enacted in the Twenty-eighth Year of the Republic of India as follows:—

of
1949.
C.P. &
Berar
II of
1950.

1. This Act may be called the Maharashtra Municipal Corporations (Amendment) Short title.
Act, 1977.

2. [Amendment of section 60 of Bom. III of 1888.] Amendments have been
incorporated in the principal Act.

3. [Amendment of section 60C of Bom. III of 1888.] Amendments have been
incorporated in the principal Act.

4. [Amendment of section 63 of Bom. III of 1888.] Amendment has been
incorporated in the principal Act.

5. [Amendment of section 86 of Bom. III of 1888.] Amendments have been
incorporated in the principal Act.

6. [Amendment of section 42 of Bom. LIX of 1949.] Amendments have been
incorporated in the principal Act.

7. [Amendment of section 59 of Bom. LIX of 1949.] Amendments have been
incorporated in the principal Act.

8. [Amendment of section 66 of Bom. LIX of 1949.] Amendment has been
incorporated in the principal Act.

C.P. & 9. In section 52 of the City of Nagpur Corporation Act, 1948 (hereinafter referred Amendment
Berar to as "the Nagpur Corporation Act"), in sub-section (1), in clause (a), the words of section 52
II of "or employment" shall be deleted. of C.P. &
1950. Berar II of
1950.

10. In section 58 of the Nagpur Corporation Act, for clause (ra), the following Amendment
clauses shall be substituted, namely:— of section 58
of C. P. &
Berar II of
1950.

"(ra) making any contribution towards any public reception, ceremony or
entertainment:

Provided that, the total expenditure on account of such contributions during
any financial year shall not exceed rupees twenty-five thousand or such higher
amount as the State Government may, from time to time, by notification published
in the *Official Gazette*, specify in this behalf;

(rb) with the previous sanction of the State Government and subject to such
terms and conditions as the State Government may impose, subscribing to the
share capital of any company or co-operative society, with a limited liability,
established or to be established for maintaining or setting up a slaughter house
or a plant for the treatment of town refuse, or for providing any other services
in the City, useful to the Corporation in carrying out any of the duties imposed
upon it by or under this Act or any other law for the time being in force;"

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1977, Part V,
dated 28th July 1977, page 221.

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND CITY
OF NAGPUR CORPORATION (AMENDMENT) ACT, 1979**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
 2. Insertion of section 7AA in Bom. LIX of 1949.
 3. Renumbering of section 7AA of Bom. LIX of 1949.
 4. Insertion of section 12A in C. P. and Berar II of 1950.
 5. Renumbering of section 12A of C. P. and Berar II of 1950.
 6. Repeal of Mah. Ord. III of 1979 and savings.
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MAHARASHTRA ACT No. XXI OF 1979¹

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1979]

[14th August 1979]

(Assented to by the Governor)

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; and, therefore, promulgated the Bombay Provincial Municipal Corporations and City of Nagpur Corporation (Amendment) Ordinance, 1979, on the 21st day of April 1979 ;

Bom.
LIX of
1949.
C. P.
and
Berar
II of
1950.
Mah.
Ord.
III of
1979.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1979, Part V, p. 313.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirtieth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Bombay Provincial Municipal Corporations and City of Nagpur Corporation (Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 21st day of April 1979.

Insertion of section 7AA in Bom. LIX of 1949.

2. (Amendment carried out in the Bombay Provincial Municipal Corporations Act, 1949.)

Renumbering of section 7AA of Bom. LIX of 1949.

3. Amendment carried out in the Bombay Provincial Municipal Corporations Act, 1949).

Insertion of section 12A in C. P. and Berar II of 1950.

4. After section 12 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), the following section shall be inserted, namely :—

C. P. and Berar II of 1950.

Provision for inclusion of names after publication of final roll.

" 12A. (1) Notwithstanding anything contained in section 12,—

(a) if any person, whose name is not included in the final roll for any ward, desires his name to be included in that roll, or

(b) if any person, whose name is included in the final roll for any ward, desires his name to be deleted therefrom and to be included in the final roll for any other ward,—

such person may, at any time, subject to sub-section (4), apply to an officer of the State Government designated by the Collector in this behalf, for inclusion of his name in the final roll for the specified ward. Such application shall be accompanied by a fee of ten paise, which shall, in no case, be refunded.

(2) (a) On receipt of such application the designated officer shall exhibit the particulars of the application so received on the notice board of his office and, after the expiry of three weeks from the date of such exhibition, if the designated officer, after such inquiry as he thinks fit, is satisfied that the applicant is entitled under this section to be registered in the roll for any ward, the designated officer shall direct the applicant's name to be registered therein, and thereupon the final roll shall stand amended accordingly. If the applicant is registered in the final roll for any other ward the designated officer shall delete the applicant's name therefrom.

(b) Where the designated officer is not so satisfied, he shall give the person concerned a reasonable opportunity of being heard before rejecting his application.

(3) An appeal shall lie to the Collector, or to an officer of the State Government appointed by the Collector in this behalf, from any order of the designated officer passed under this section ; and the provisions of sub-section (5) of section 12 shall, *mutatis mutandis*, apply to any appeal made under this sub-section.

(4) No direction for the inclusion of the name of any person in the final roll for any ward shall be given under this section, after the last date fixed for making nominations for any general election or bye-election in that ward and before the completion of that election "

5. Existing section 12A of the Nagpur Corporation Act shall be renumbered as section 12AA.

Renumbering
of section
12A of C. P.
and Berar II
of 1950.

Mah.
Ord.
III of
1979.

6. (1) The Bombay Provincial Municipal Corporations and City of Nagpur Corporation (Amendment) Ordinance, 1979 is hereby repealed.

Repeal of
Mah. Ord. III
of 1979 and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the Provincial Municipal Corporations Act or the Nagpur Corporation Act, as the case may be, as amended by the said Ordinance shall be deemed to have been done or taken under the relevant Act, as amended by this Act.

**THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT)
ACT, 1980**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 14 of Bom. III of 1888.
3. Amendment of section 19 of Bom. III of 1888.
4. Amendment of section 21 of Bom. III of 1888.
5. Amendment of section 29 of Bom. III of 1888.
6. Amendment of section 7A of Bom. LIX of 1949.
7. Amendment of section 7AA of Bom. LIX of 1949.
8. Amendment of section 8 of Bom. LIX of 1949.
9. Amendment of section 9 of Bom. LIX of 1949.
10. Amendment of section 457 of Bom. LIX of 1949.
11. Amendment of section 12 of C. P. and Berar II of 1950.
12. Amendment of section 12A of C. P. and Berar II of 1950.
13. Insertion of section 13A in C. P. and Berar II of 1950.
14. Amendment of section 14 of C. P. and Berar II of 1950.
15. Amendment of section 420 of C. P. and Berar II of 1950.
16. Removal of difficulty.

MAHARASHTRA ACT No. VI OF 1980.¹

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1980.]

[Received the assent of the Governor on the 9th day of February 1980; assent first published in the *Maharashtra Government Gazette*, Part IV, on the 13th day of February 1980.]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS the Maharashtra Legislative Assembly roll forms the basis of the election rolls of the different Municipal Corporations in the State;

AND WHEREAS the Assembly roll has recently been revised with reference to the 1st day of January 1979 and contains names of persons who are not less than twenty-one years of age on that day;

AND WHEREAS it is considered that time is now ripe to give the right to vote at elections to Municipal Corporations to citizens who have completed the age of eighteen, but keeping the qualifying age for contesting the elections unchanged i.e. twenty-one years of age as before;

AND WHEREAS it is decided that any general or by-elections to the Municipal Corporations in future should be conducted on the basis of the revised Assembly roll as supplemented by names of persons who are not less than eighteen years of age and who are not otherwise disqualified;

Mah. AND WHEREAS necessary amendments have already been made in the
XXVI Maharashtra Municipalities Act, 1965, by Maharashtra Ordinance No. XI of 1979
of promulgated on the 29th day of December 1979 to extend the right to vote
1965. at municipal elections to citizens, who are between the ages of eighteen and twenty-one ;

Bom. AND WHEREAS it is considered necessary to make similar amendments in the
III of Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corpora-
1888. tions Act, 1949 and the City of Nagpur Corporation Act, 1948; It is hereby enacted
Bom. in the Thirty-first Year of the Republic of India as follows:—
LIX of
1949.
C.P.
&
Berar
II of
1950.

1. This Act may be called the Maharashtra Municipal Corporations (Amendment) Short title. Act, 1980.

2. to 5. [The amendments made by sections 2 to 5 have been incorporated in the Bombay Municipal Corporation Act, 1888 (Bom. III of 1888).]

6. to 10. [The amendments made by sections 6 to 10 have been incorporated in the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949).]

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1980, Part V, Extra., page 51.

Amendment
of section 12
of C. P. and
Barrs II of
1930.

11. In section 12 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"),—

C.P.
and
Barrs
II of
1930.

(1) for sub-sections (1) to (6) (both inclusive) the following shall be substituted, namely,—

"(1) For every ward, there shall be a ward roll, consisting of Parts I and II, which shall be prepared and maintained as hereinafter provided in this section.

(2) The Assembly roll for the time being in force, on such date as the State Government may, by notification in the *Official Gazette*, specify (being any date before such notification, but any such date shall not be earlier than four months immediately preceding the date of such notification), shall be divided by the Commissioner or such officer of the Corporation as may be authorised by him in this behalf (such officer being hereinafter in this section referred to as "the authorised officer"), into different sections corresponding to the different wards in the City; and a printed copy of each section of the roll so divided and authenticated by the Commissioner or the authorised officer, as the case may be, shall be Part I of the draft ward roll for each ward.

(3) The Commissioner or the authorised officer shall prepare Part II of the draft ward roll for each ward in such manner as may be prescribed by rules made by the State Government under section 420 containing the names and such other particulars as may be prescribed by such rules of all persons ordinarily residing in the ward to which such draft ward roll relates, who have completed eighteen years of age, but have not completed twenty-one years of age, on the date notified under sub-section (2) and who (except on the ground of lower age) are not otherwise disqualified to be registered as voters in the Assembly roll. A printed copy of the draft roll for each ward so prepared and authenticated by the Commissioner or the authorised officer, as the case may be, shall be Part II of the draft ward roll for that ward.

(4) After Parts I and II of the draft ward roll for each ward are prepared as provided in sub-sections (2) and (3), the draft ward roll containing both the Parts shall be published in such manner as may, in the opinion of the Commissioner, be best calculated to bring it to the notice of all persons to be affected thereby, together with a notice specifying a date on or before which applications for inclusion of names or correction of entries in both Parts shall be lodged with an officer of the State Government as may be designated by the State Government in this behalf.

(5) If the designated officer, on application made to him or on his own motion is satisfied, after such inquiry as he thinks fit, that the names of any persons qualified to be registered in Part I or II of the draft ward roll have been omitted or that any entry in such Part—

(a) is erroneous or defective in any particular; or

(b) should be transposed to any place in that Part on the ground that the person concerned has changed his place of ordinary residence within the ward; or

(c) should be transposed from Part I to Part II or *vice versa*; or

(d) should be deleted on the ground that the person concerned is dead, or has ceased to be ordinarily resident in the ward, or is otherwise not entitled to be registered in that ward,

such officer shall, subject to such general or special directions, if any, as may be given by the State Government in this behalf, add to, amend, transpose or delete the entries in the draft ward roll:

Provided that, before taking any action as aforesaid on the ground that the person concerned has ceased to be ordinarily a resident in the ward or that he is otherwise not entitled to be registered in the ward roll, such officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(6) Any person, who is not less than eighteen years of age on the date notified under sub-section (2) and is ordinarily a resident in a ward, but whose name is not included in Part I or, as the case may be, Part II of the draft ward roll for that ward may apply to the designated officer for inclusion of his name in Part I or, as the case may be, Part II of the draft roll for that ward. Such officer shall, if satisfied that the applicant is not less than eighteen years of age on the date notified under sub-section (2) and is otherwise entitled to be registered in the relevant Part of the ward roll, direct his name to be registered in Part I or, as the case may be, Part II of the draft roll for that ward :

Provided that, if the applicant is registered in the roll of any other ward, such officer shall strike off the applicant's name from the roll for that ward.

(7) No addition, amendment, transposition or deletion of any entry in any ward roll shall be made under sub-section (5), and no direction for the inclusion of a name in the ward roll shall be given under sub-section (6), after the expiry of forty-five days from the date of publication of the ward roll under sub-section (4).

(8) An appeal shall lie to the Collector, or to an officer of the State Government appointed by the Collector in this behalf, from any order made by the designated officer under sub-section (5) or sub-section (6). Such appeal shall be presented to the appellate officer within a period of fifteen days from the date of the order appealed from or sent by registered post so as reach to him within that period. The presentation of an appeal under this sub-section shall not have the effect of staying or postponing any action to be taken for final publication of the ward roll. Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the designated officer, it shall take effect only from the date of the decision in appeal. The designated officer shall cause such amendments to be made in the ward roll as may be necessary to give effect to the decisions of the appellate officer.

(9) After the expiry of forty-five days from the date of publication of the draft ward roll under sub-section (4), the designated officer shall, after carrying out all additions, amendments and other changes in the draft ward roll in accordance with his orders made under sub-section (5) and sub-section (6) and the orders of the appellate officer (if any) under sub-section (8) and after correcting any clerical or printing errors and other inaccuracies discovered in the roll, make available a copy of the roll as so corrected and brought up-to-date and authenticated by him to the Commissioner or the authorised officer, who shall publish it as the ward roll in such manner as the Commissioner may determine, and also make it available for inspection at the municipal office. The roll so published shall be the final ward roll for that ward from the date of its publication. The final ward rolls so published shall collectively be deemed to be municipal electoral roll.”;

(2) sub-sections (7), (8), (9) and (10) shall be re-numbered as sub-sections (10), (11), (12) and (13), respectively, and in sub-section (12) as so renumbered,—

(i) for the word, brackets and figures “ sub-section (1) ” where they occur for the first time, the word, brackets and figure “ sub-section (2) ” shall be substituted;

(ii) after the words "the existing ward roll for that ward" the words and figures "consisting of Part I and Part II" shall be inserted ;

(iii) for the word, brackets and figure "sub-section (1)", where they occur for the second time, the word, brackets and figure "sub-section (4)" shall be substituted.

Amendment of section 12A of C.P. and Berar II of 1950. 12. In section 12A of the Nagpur Corporation Act,—

(1) in sub-section (1),—

(a) in clause (b), after the words "for any other ward" the words "or desires his name to be transposed from one Part to the other Part of the final roll for any ward" shall be inserted;

(b) after the words "the specified ward" the words "or for transposition of his name from one Part to the other Part of the final roll for the same ward" shall be inserted;

(2) in sub-section (2), in clause (a), for the portion beginning with the words "the designated officer shall direct the applicant's name" and ending with the words "delete the applicant's name therefrom." the following shall be substituted, namely:—

"or to be registered in the final roll for any other ward or in the other Part of the final roll for the same ward, the designated officer shall direct the applicant's name to be registered in the appropriate final roll and Part thereof, and thereupon the final roll shall stand amended accordingly. If the applicant is registered in the final roll for any other ward or in the other Part of the final roll for the same ward, the designated officer shall delete the applicant's name therefrom.";

(3) in sub-section (3), for the word, brackets and figure "sub-section (5)" the word, brackets and figure "sub-section (8)" shall be substituted;

(4) in sub-section (4), after the words "the final roll for any ward" the words, "or for the transposition of the name of any person from one Part to the other Part of the final roll for the same ward," shall be inserted.

Insertion of section 13A in C.P. and Berar II of 1950. 13. After section 13 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Persons qualified to vote.

"13A. Every person whose name is in Part I or Part II of a final ward roll shall be deemed to be entitled to vote at the ward election and every person whose name is not in the said roll shall be deemed to be not entitled to vote."

Amendment of section 14 of C.P. and Berar II of 1950. 14. In section 14 of the Nagpur Corporation Act, in sub-section (1), for the words "a person who is enrolled in the municipal electoral roll as a voter for a ward" the words and figure "a person whose name is included in Part I of any final ward roll" shall be substituted.

15. In section 420 of the Nagpur Corporation Act, in sub-section (2), clause (a) shall be relettered as clause (b), and before clause (b) as so relettered, the following shall be inserted, namely :—

Amendment
of section
420 of C. P.
and Berar II
of 1950.

“(a) the manner of preparing Part II of the ward rolls for the wards and the particulars to be entered in such Part II :

XLIII
of
1950. Provided that, the rules under this clause shall be made in consultation with the Chief Electoral Officer for the State of Maharashtra appointed under the Representation of the People Act, 1950;”

16. If any difficulty arises in giving effect to the provisions of this Act, the State Government may as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

Removal of
difficulty.

THE MAHARASHTRA MUNICIPAL CORPORATIONS AND
MUNICIPALITIES (AMENDMENT) ACT, 1980

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 14 of Bom. III of 1888.
3. Amendment of section 19 of Bom. III of 1888.
4. Amendment of section 21 of Bom. III of 1888.
5. Amendment of section 29 of Bom. III of 1888.
6. Amendment of section 7A of Bom. LIX of 1949.
7. Amendment of section 7AA of Bom. LIX of 1949.
8. Amendment of section 8 of Bom. LIX of 1949.
9. Amendment of section 9 of Bom. LIX of 1949.
10. Amendment of section 457 of Bom. LIX of 1949.
11. Amendment of section 12 of C. P. and Berar II of 1950.
12. Amendment of section 12A of C. P. and Berar II of 1950.
13. Amendment of section 13A of C. P. and Berar II of 1950.
14. Amendment of section 14 of C. P. and Berar II of 1950.
15. Amendment of section 420 of C. P. and Berar II of 1950.
16. Amendment of section 9 of Mah. XL of 1965.
17. Amendment of section 11 of Mah. XL of 1965.
18. Amendment of section 11A of Mah. XL of 1965.
19. Amendment of section 12 of Mah. XL of 1965.
20. Amendment of section 15 of Mah. XL of 1965.
21. Amendment of section 17 of Mah. XL of 1965.
22. Removal of difficulty.
23. Repeal of Mah. Ord. XII of 1980 and saving.

MAHARASHTRA ACT No. XX OF 1980¹

[THE MAHARASHTRA MUNICIPAL CORPORATIONS AND
MUNICIPALITIES (AMENDMENT) ACT, 1980.]

[This Act received the assent of Governor on the 23rd December 1980; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 26th December 1980.]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965.

Mah. WHEREAS, by the Maharashtra Municipal Corporations (Amendment) Act, VI of 1980, the three Municipal Corporations Acts in force in the State were amended 1980. to extend the right to vote at municipal corporations elections to citizens, who were between the ages of eighteen and twenty-one years;

Mah. AND WHEREAS, by the Maharashtra Municipalities and the Maharashtra X of Municipalities (Postponement of Elections due to ensuing General Elections to 1980. Municipal Councils) (Amendment) Act, 1980, the Maharashtra Municipalities Act, Mah. 1965, was amended to extend the right to vote at elections to Municipal Councils XL of to citizens, who were between the ages of eighteen and twenty-one years: 1965.

AND WHEREAS, as a result of these amendments, the ward rolls or lists of voters were to consist of Part I containing names of voters, who were not less than twenty-one years of age and who were included in the Maharashtra Legislative Assembly roll and Part II containing names of voters, who had completed eighteen years of age, but had not completed twenty-one years of age, and who were not otherwise disqualified;

AND WHEREAS, the work of preparation of Part II was similar to the preparation of the Assembly electoral roll and, as house to house enumeration was needed, it was time consuming;

AND WHEREAS, under article 326 of the Constitution of India, the elections to the House of the People and the State Legislative Assembly are to be on the basis of adult suffrage, that is to say, only persons who are not less than twenty-one years of age are entitled to be registered as voters at such elections; and under article 324 the superintendence, direction and control of the preparation of these electoral rolls is vested in the Election Commission;

AND WHEREAS, after reviewing the whole question, it was considered by Government that the provision of qualifying age of eighteen years for voters was not in keeping with the spirit of the Constitution of India and that the former qualifying age of twenty-one years should be restored immediately, and all future elections to the Municipal Corporations and Municipal Councils should be held on the basis of adult suffrage as before;

AND WHEREAS, both Houses of the Legislature of the State were not in session;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1980, Part V, page 267.

AND WHEREAS, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965, for the purposes aforesaid; and therefore, promulgated the Maharashtra Municipal Corporations and Municipalities (Amendment) Ordinance, 1980, on the 16th October 1980;

Bom. III of 1888.
Bom. LIX of 1949.
C. P. and Berar II of 1950.
Mah. XL of 1965.
Mah. Ord. XII of 1980.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-first Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1980.
(2) It shall be deemed to have come into force on the 16th October 1980.

2 to 5. (Amendments of sections 14, 19, 21 and 29 of Bom. III of 1888 have been carried out in the principal Act.)

6 to 10. (Amendments of sections 7A, 7AA, 8, 9 and 457 of Bom. LIX of 1949 have been carried out in the principal Act.)

Amendment of section 12 of C.P. and Berar II of 1950. 11. In section 12 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"),—
C. P. and Berar II of 1950.

(d) for sub-sections (1) to (9) (both inclusive), the following shall be substituted, namely :—

"(1) The Assembly roll for the time being in force, on such date as the State Government may, by notification in the *Official Gazette*, specify (being any date before such notification, but any such date shall not be earlier than four months immediately preceding the date of such notification) shall be divided by the Commissioner or such officer of the Corporation as may be authorised by him in this behalf, into different sections corresponding to the different wards in the City; and a printed copy of each section of the roll so divided and authenticated by the Commissioner or the authorised officer, as the case may be, shall be the draft ward roll for each ward. The draft ward roll shall be published in such manner as may, in the opinion of the Commissioner, be best calculated to bring the roll to the notice of all persons likely to be affected thereby, together with a notice specifying a date on or before which applications for the inclusion of names or for correction of entries therein shall be lodged with an officer of the State Government as may be designated by the State Government in this behalf.

(2) If the designated officer, on application made to him or on his own motion, is satisfied, after such inquiry as he thinks fit, that the names of any persons qualified to be registered in the ward roll have been omitted or that any entry in any draft ward roll—

(a) is erroneous or defective in any particular,

(b) should be transposed to any other place in that roll on the ground that the person concerned has changed his place of ordinary residence within the ward, or

(c) should be deleted on the ground that the person concerned is dead, or has ceased to be ordinarily resident in the ward, or is otherwise not entitled to be registered in that ward roll,

such officer shall, subject to such general or special directions, if any, as may be given by the State Government in this behalf, add to, amend, transpose or delete the entries in the draft ward roll:

Provided that, before taking any action as aforesaid on the ground that the person concerned has ceased to be ordinarily resident in the ward or that he is otherwise not entitled to be registered in the ward roll, such officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(3) Any person, who is not less than twenty-one years of age on the date notified under sub-section (1) and is ordinarily resident in a ward but whose name is not included in the draft ward roll for that ward, may apply to the designated officer for inclusion of his name in the roll for that ward. Such officer shall, if satisfied that the applicant is not less than twenty-one years of age on the date notified under sub-section (1) and is otherwise entitled to be registered in the relevant Assembly roll, direct his name to be registered in the roll of voters for that ward:

Provided that, if the applicant is registered in the roll of any other ward, such officer shall strike off the applicant's name from the roll of that ward.

(4) No addition, amendment, transposition or deletion of any entry in any ward roll shall be made under sub-section (2) and no direction for the inclusion of a name in any ward roll shall be given under sub-section (3), after the expiry of forty-five days from the date of publication of the ward roll under sub-section (1).

(5) An appeal shall lie to the Collector, or to an officer appointed by the Collector in this behalf, from any order made by the designated officer under sub-section (2) or sub-section (3). Such appeal shall be presented to the appellate officer within a period of fifteen days from the date of the order appealed from or sent by registered post so as to reach him within that period. The presentation of an appeal under this sub-section shall not have the effect of staying or postponing any action to be taken for final publication of the ward roll. Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the designated officer shall take effect only from the date of the decision in appeal. The designated officer shall cause such amendments to be made in the ward roll as may be necessary to give effect to the decision of the appellate officer.

(6) After the expiry of forty-five days from the date of publication of the draft ward roll under sub-section (1), the designated officer shall, after carrying out all additions, amendments and other changes in the draft ward roll in

accordance with his orders made under sub-section (2) and sub-section (3) and the orders of the appellate officer (if any) under sub-section (5) and after correcting any clerical or printing errors or other inaccuracies discovered in the roll, make available a copy of the roll as so corrected and brought up-to-date and after authenticating it, to the Commissioner or the officer authorised by him, who shall publish it as the ward roll in such manner as the Commissioner may determine, and also make it available for inspection at the municipal office. The roll so published shall be the final ward roll for that ward from the date of its publication. The final ward rolls so published shall collectively be deemed to be the municipal electoral roll."

(2) sub-sections (10), (11), (12) and (13) shall be renumbered as sub-sections (7), (8), (9) and (10), respectively, and in sub-section (9) as so renumbered,—

(i) for the word, brackets and figure "sub-section (2)" the word, brackets and figure "sub-section (1)" shall be substituted;

(ii) the words and figures "consisting of Part I and Part II" shall be deleted;

(iii) for the word, brackets and figure "sub-section (4)" the word, brackets and figure "sub-section (1)" shall be substituted.

Amendment
of section
12A of C.P.
and Berar II
of 1950.

12. In section 12A of the Nagpur Corporation Act,—

(1) in sub-section (1),—

(a) in clause (b), the words "or desires his name to be transposed from one Part to the other Part of the final roll for any ward" shall be deleted;

(b) the words "or for transposition of his name from one Part to the other Part of the final roll for the same ward" shall be deleted;

(2) in sub-section (2), in clause (a), for the portion beginning with the words "or to be registered in the final roll" and ending with the words "shall delete the applicant's name therefrom.", the following shall be substituted, namely:—

"the designated officer shall direct the applicant's name to be registered therein, and thereupon the final roll shall stand amended accordingly. If the applicant is registered in the final roll for any other ward, the designated officer shall delete the applicant's name therefrom.";

(3) in sub-section (3), for the word, brackets and figure "sub-section (8)" the word, brackets and figure "sub-section (5)" shall be substituted;

(4) in sub-section (4), the words "or for the transposition of the name of any person from one Part to the other Part of the final roll for the same ward," shall be deleted.

Amendment
of section
13A of C. P.
and Berar II
of 1950.

13. In section 13A of the Nagpur Corporation Act, the words and figures "Part I or Part II of" shall be deleted.

Amendment
of section 14
of C.P. and
Berar II of
1950.

14. In section 14 of the Nagpur Corporation Act, in sub-section (1), for the words and figure "a person whose name is included in Part I of any final ward roll" and the words "a person who is enrolled in the municipal electoral roll as a voter for a ward" shall be substituted.

15. In section 420 of the Nagpur Corporation Act, in sub-section (2),—
(1) clause (a) shall be deleted ;
(2) clause (b) shall be re-lettered as clause (a).

Amendment
of section 420
of C.P. and
Berar II of
1950.

16. to 21. (Amendments of sections 9, 11, 11A, 12, 15 and 17 of Mah. XL of 1965 have been carried out in the principal Act.)

22. If any difficulty arises in giving effect to the provisions of the Bombay Corporation Act, the Provincial Municipal Corporations Act, the Nagpur Corporation Act and the Municipalities Act, as amended by this Act, the State Government may, as occasion arises, by order, do anything not inconsistent with the provisions of respective Acts, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Removal of
difficulty.

Mah. 23. (1) The Maharashtra Municipal Corporations and Municipalities (Amend-
Ord. ment) Ordinance, 1980, is hereby repealed.

Repeal of
Mah. Ord.
XII of 1980
and saving.

of 1980. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the respective Act as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the respective Act as amended by this Act.

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY OF
NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES
(AMENDMENT) ACT, 1981.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Insertion of section 7-A1 in Bom. LIX of 1949.
3. Amendment of section 5 of C. P. and Berar II of 1950.
4. Amendment of section 17 of C. P. and Berar II of 1950.
5. Insertion of section 22A in C. P. and Berar II of 1950.
6. Insertion of section 48A in Mah. XL of 1965.
7. Repeal of Mah. Ord. I of 1981 and saving.



MAHARASHTRA ACT No. XII OF 1981.¹

[THE BOMBAY PROVINCIAL CORPORATIONS, CITY OF NAGPUR CORPORATION
AND MAHARASHTRA MUNICIPALITIES (AMENDMENT) ACT, 1981.]

[This Act received the assent of the Governor on 21st March 1981 ; assent was first published
in the *Maharashtra Government Gazette*, Part IV, on 24th March 1981.]

**An Act further to amend the Bombay Provincial Municipal Corporations Act,
1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra
Municipalities Act, 1965.**

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances
existed which rendered it necessary for him to take immediate action further to
amend the Bombay Provincial Municipal Corporations Act, 1949, the City of
Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965,
for the purposes hereinafter appearing ; and therefore, promulgated the Bombay
C. P. Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra
Municipalities (Amendment) Ordinance, 1981, on the 4th February 1981 ;

Bom.
LIX
of
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL
of
1965.
Mah.
Ord. I
of
1981.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the
State Legislature ; It is hereby enacted in the Thirty-second Year of the Republic
of India, as follows :—

1. (1) This Act may be called the **Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Act, 1981.** Short title and commencement.

(2) It shall be deemed to have come into force on the 4th February 1981.

2. (*Amendment has been carried out in the Bombay Provincial Municipal Corporations Act, 1949.*) Insertion of section 7-A1 in Bom. LIX of 1949.

3. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), for clause (1), the following clause shall be substituted, namely :— Amendment of section 5 of C. P. and Berar II of 1950.

“(1) ‘Administrator’ means an Administrator appointed by the State Government under section 22A or section 409 or any other provisions of this Act, to exercise the powers and to perform the duties of the Corporation and its authorities;”.

4. In section 17 of the Nagpur Corporation Act, in sub-section (2), the proviso shall be deleted. Amendment of section 17 of C. P. and Berar II of 1950.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1981, Part V, page 45.

Insertion of section 22A in C. P. and Berar II of 1950.

5. After section 22 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Provision for appointment of Administrator after normal term of office of Councillors expires.

“ 22A. (1) Notwithstanding anything contained in sub-sections (1) and (2) of section 17 or any other provisions of this Act, where the term of office of five years of the Councillors of the Corporation has expired and the State Government is of opinion that in the changed circumstances the continuance of such Councillors in office is not necessary or expedient, the State Government may, at any time, even during the period the term stands extended under sub-section (1) or (2) of section 17, by order, published in the *Official Gazette*, direct that—

(a) all Councillors of the Corporation (including the Mayor and the Deputy Mayor) shall, as from the date specified in the order, cease to hold and vacate their offices as Councillors or otherwise; and

(b) the person appointed by the State Government, from time to time, shall be the Administrator to manage the affairs of the Corporation, during the period from the date specified in the order until the Corporation is reconstituted after the general election and the newly elected Councillors enter on their office. Such general election shall be held within a period of one year, from the date of publication of the order-issued under this sub-section in the *Official Gazette*.

(2) During the said period, all the powers and duties of the Corporation and the Standing Committee under this Act or any other law for the time being in force shall be exercised and performed by the Administrator.

(3) The Administrator may delegate any of his powers and duties to any officer for the time being serving under the Corporation.

(4) The Administrator shall receive such remuneration from the municipal fund, as the State Government may, from time to time, by general or special order, determine.”

Insertion of section 48A in Mah. XL of 1965.

6. (*Amendment has been carried out in the Maharashtra Municipalities Act, 1981.*)

Repeal of Mah. Ord. I of 1981 and saving.

7. (1) The Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1981 is hereby repealed.

(2) Notwithstanding such repeal, anything done, or any action taken (including any order or appointment or delegation made) under the respective Acts as amended by the said Ordinance shall be deemed to have been done, taken or made as the case may be, under the corresponding provisions of the principal Acts as amended by this Act.

Mah. Ord. I of 1981.

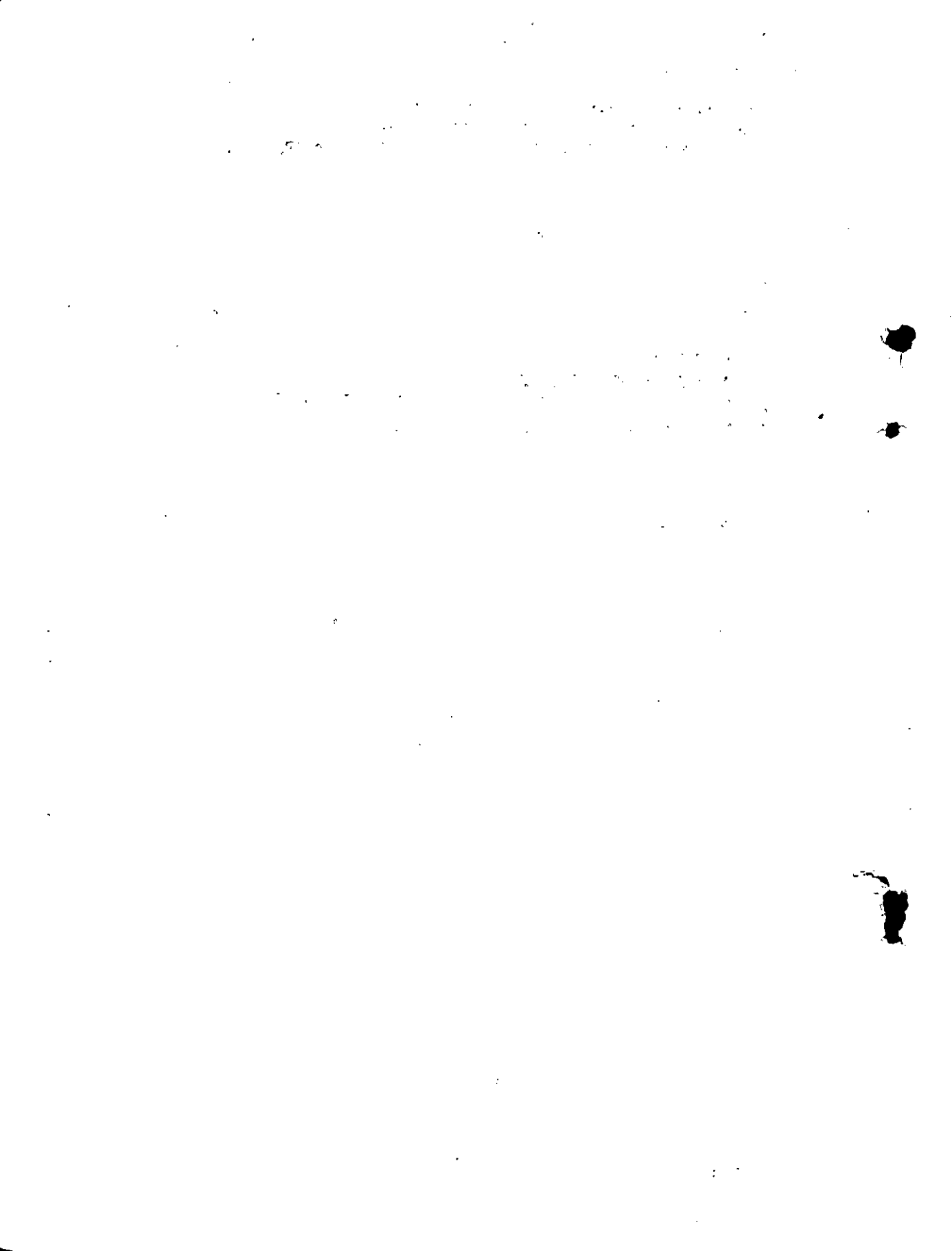
**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY
OF NAGPUR CORPORATION AND MAHARASHTRA
MUNICIPALITIES (SECOND AMENDMENT) ACT, 1981.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 7 A of Bom. LIX of 1949.
3. Amendment of section 12 of C. P. and Berar II of 1950.
4. Amendment of section 11 of Mah. XL of 1965.



MAHARASHTRA ACT No. LXVIII OF 1981.

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY OF NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES (SECOND AMENDMENT) ACT, 1981.]

(This Act received assent of the Governor on 24th December 1981 ; assent was first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on 28th December 1981).

An Act further to amend the Bombay Provincial Municipal Corporation Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965.

Bom.
LIX
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL of
1965.

WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, and the Maharashtra Municipalities Act, 1965, for the purposes hereinafter appearing ; It is hereby enacted in the Thirty-second Year of the Republic of India as follows :—

1. This Act may be called the Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Second Amendment) Act, 1981.

Short title.

¹For Statement of Objects and Reasons see *Maharashtra Government Gazette*, 1981, Part V, dated 26th November 1981, at p. 639.

10198 *The Bombay Provincial Municipal Corporations, [1981 : Mah. LXVIII
City of Nagpur Corporation and Maharashtra
Municipalities (Second Amendment) Act, 1981*

Amendment
of section 7-A
of Bom.
LIX of 1949.

2. (*Amendment has been incorporated in the Principal Act*)

Amendment
of section 12
of C. P. and
Berar II of
1950.

3. In section 12 of the City of Nagpur Corporation Act, 1948,—
(a) in sub-section (2), after the proviso, the following proviso shall be added, namely:—

C. P.
and
Berar
II of
1950.

“Provided further that, any such order passed by the designated officer shall be exhibited on the notice board provided for this purpose, as soon as may be, after such order is passed.”

(b) in sub-section (5), for the words “from the date of the order appealed from” the words “from the date of exhibition of the order appealed from” shall be substituted.

Amendment
of section 11
of Mah. XL
of 1965.

4. (*Amendment has been incorporated in the Principal Act*)

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY
OF NAGPUR CORPORATION AND MAHARASHTRA
MUNICIPALITIES (THIRD AMENDMENT) ACT, 1981.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 7-A1 of Bom. LIX of 1949.
3. Amendment of section 22 A of C. P. and Berar II of 1950.
4. Amendment of section 48 A of Mah. XL of 1965.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud.

2. The second part of the document outlines the specific requirements for record-keeping, including the need to maintain original documents and to keep copies of all supporting documents. It also discusses the importance of ensuring that records are stored in a secure and accessible manner.

3. The third part of the document discusses the importance of regular audits and reviews of records. It emphasizes that audits are necessary to ensure that records are accurate and complete, and to identify any areas where improvements can be made.

4. The fourth part of the document discusses the importance of training staff on record-keeping procedures. It emphasizes that all staff involved in the financial system must be trained in the proper procedures for record-keeping, and that training should be ongoing and updated as procedures change.



MAHARASHTRA ACT No. LXIX OF 1981¹

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY OF NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES (THIRD AMENDMENT) ACT, 1981.]

(This Act received assent of the Governor on 24th December 1981 ; assent was first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on 28th December 1981)

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, and the Maharashtra Municipalities Act, 1965.

Bom
LIX. WHEREAS the normal term of office of the Councillors of any Municipal
of Corporation constituted under the Bombay Provincial Municipal Corporations
1949. Act, 1949 or the City of Nagpur Corporation Act, 1948, or any Municipal
Council constituted under the Maharashtra Municipalities Act, 1965, is five years,
C. P. which can be extended for a maximum period of one year ; and when the term
and is not extended, or when the term is extended for the maximum period and
Berar II of that period is over, the term of the outgoing Councillors is deemed to be further
1950. extended until the general election is held and the successors enter on their
Mah. office ;
XL of
1965.

Mah. AND WHEREAS by the Bombay Provincial Municipal Corporations, City of
XII Nagpur Corporation and Maharashtra Municipalities (Amendment) Act 1981,
1981. of which came into force with effect from the 4th February 1981, the said three
Acts have been amended to enable the State Government to examine the cases
of Councillors whose normal term of office has expired and to consider whether
their continuance in office is necessary or expedient, and if not to appoint
Administrators with full powers, until the general elections are held and new
Councillors enter upon office ;

AND WHEREAS such general elections are to be held within a period of one year from the date of publication of the order appointing the Administrator in the *Official Gazette* ;

AND WHEREAS the said period of one year is about to expire in February 1982 in cases where Administrators have been appointed under the said three Acts as amended ;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1981, Part V, dated 10th December 1981, at p. 665.

10202 *The Bombay Provincial Municipal Corporations, [1981 : Mah. LXIX
City of Nagpur Corporation and Maharashtra
Municipalities (Third Amendment) Act, 1981*

AND WHEREAS the State Government has decided to hold the municipal elections on the basis of 1981 Census population figures, which would be available only by mid 1982, and then it would be possible to settle the wards and reservation of seats etc. and the election programme ;

AND WHEREAS in order to meet such unforeseen difficulties, it is expedient further to amend the said three Acts to take power to the State Government to extend the period for holding elections from one year to two and half years in the aggregate from the date of publication of the order appointing the Administrators in the *Official Gazette* ; It is hereby enacted in the Thirty-second Year of the Republic of India as follows :—

Short title 1. This Act may be called the Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Third Amendment) Act, 1981.

Amendment of section 7-A1 of Bom. LIX of 1949. 2. (*Amendment has been incorporated in the Principal Act*)

Amendment of section 22A of C. P. and Berar II of 1950. 3. In section 22-A of the City of Nagpur Corporation Act, 1948, in sub-section (I), to clause (b), the following proviso shall be added, namely:— and
“Provided that this period of one year may be extended, from time to time, by the State Government, in exceptional circumstances, to a period not exceeding two and half years in the aggregate, by notification in the *Official Gazette*, for reasons, which shall be stated in the notification.”

Amendment of section 48-A of Mah. XI of 1965. 4. (*Amendment has been incorporated in the Principal Act*)

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY OF
NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES
(AMENDMENT) ACT, 1983.**

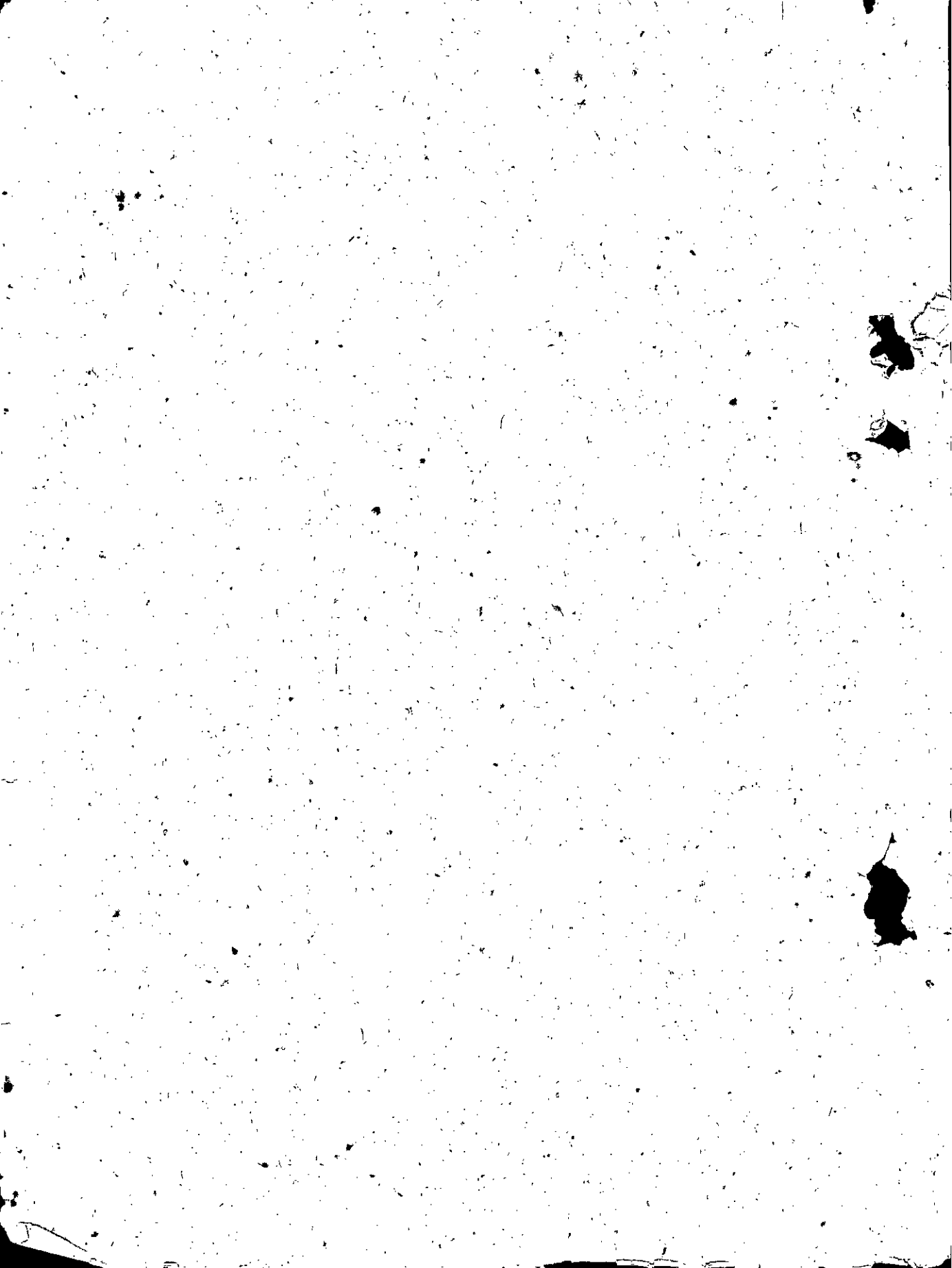
CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 7-A1 of Bom. LIX of 1949.
3. Amendment of section 22A of C. P. and Berar II of 1950.
4. Amendment of section 48A of Mah. XL of 1965.
5. Repeal of Mah. Ord. XI of 1983 and saving.

A. S. 9/2



MAHARASHTRA ACT No. XXVII OF 1983¹

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY OF NAGPUR CORPORATION
AND THE MAHARASHTRA MUNICIPALITIES (AMENDMENT) ACT, 1983.]

[Received assent of the Governor on the 1st August 1983; assent first published
in the *Maharashtra Government Gazette*, Part IV, on 3rd August 1983.]

**An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949,
the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities
Act, 1965.**

WHEREAS both Houses of the State Legislature were not in session;

Bom. AND WHEREAS the Governor of Maharashtra was satisfied that circumstances
LIX of existed which rendered it necessary for him to take immediate action further to
1949. amend the Bombay Provincial Municipal Corporation Act, 1949, the City of Nagpur
C. P. Corporation Act, 1948, and the Maharashtra Municipalities Act, 1965, for the pur-
and poses hereinafter appearing; and, therefore, promulgated the Bombay Provincial
Berar and Berar II of Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipal-
1950. ities (Amendment) Ordinance, 1983, on the 20th May 1983;
Mah. XL of
1965.
Mah. Ord.
XI of
1983.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of
the State Legislature; It is hereby enacted in the Thirty-fourth Year of the Republic
of India as follows:—

1. (1) This Act may be called the Bombay Provincial Municipal Corporations, Short title
City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Act, and
1983. commencement.

(2) It shall be deemed to have come into force on the 20th May 1983.

2. [Amendment of section 7-A1 of Bom. LIX of 1949] Amendments have been
incorporated in the principal Act.

C.P. 3. In section 22A of the City of Nagpur Corporation Act, 1948, in sub-section (1), Amendment
and in the proviso to clause (b), for the words "two and half years" the words "three of
Berar and Berar II of years and two months" shall be substituted. section 22A
1950. of C. P. and
Berar II of
1950.

4. [Amendment of section 48A of Mah. XL of 1965] Amendments have been
incorporated in the principal Act.

Mah. 5. (1) The Bombay Provincial Municipal Corporations, City of Nagpur Cor- Repeal of
Ord. poration and Maharashtra Municipalities (Amendment) Ordinance, 1983, is hereby Mah. Ord.
XI of 1983
1983 repealed. and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the
relevant Act, as amended by the said Ordinance, shall be deemed to have been done
or taken, as the case may be, under the relevant Act, as amended by this Act.

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1983, Part V,
dated 4th July 1983, pages 443-444.



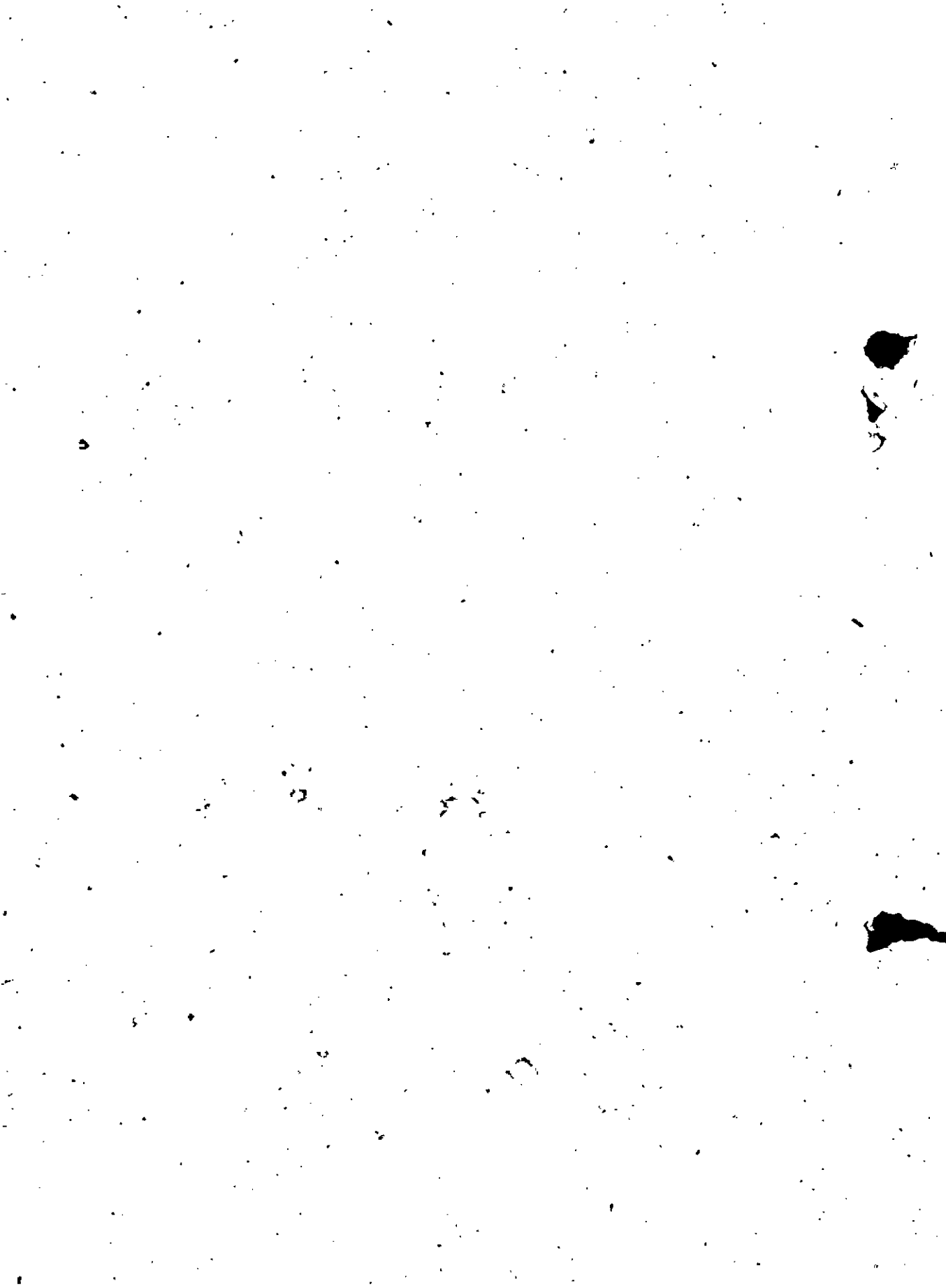
**THE BOMBAY MUNICIPAL CORPORATION, BOMBAY PROVINCIAL
MUNICIPAL CORPORATIONS, CITY OF NAGPUR CORPORATION
AND MAHARASHTRA MUNICIPALITIES
(AMENDMENT) ACT, 1985**

CONTENTS

PREAMBLE

SECTIONS

1. Short title and Commencement.
2. Amendment of section 7A of Bom. III of 1888.
3. Amendment of section 22 of Bom. III of 1888.
4. Consequences of extension of the period of Administrator and fixation of pay for retirement of the Councillors.
5. Application of Principal Act.
6. Amendment of section 7-A1 of Bom. LIX of 1949.
7. Amendment of section 22A of C. P. and Berar II of 1950.
8. Amendment of section 48A of Mah. XL of 1965.
9. Removal of Difficulty.
10. Repeal of Mah. Ord. I of 1985 and Savings.



MAHARASHTRA ACT No. III OF 1985¹

[THE BOMBAY MUNICIPAL CORPORATION, BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY OF NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES (AMENDMENT) ACT, 1985]

(This Act received assent of the Governor on the 2nd April 1985; assent was first published in the Maharashtra Government Gazette, Part IV-Extraordinary on the 4th April 1985)

An Act to provide for postponement of elections to certain Municipal Corporations and Municipal Councils and further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965.

WHEREAS, by Government Order, Urban Development Department, No. BMC. 1284/CR/16/UD-2, dated the 31st March 1984, issued under sub-section Bom. (1) of section 7A of the Bombay Municipal Corporation Act, an Administrator III of 88. was appointed to manage the affairs of the Corporation ;

AND WHEREAS, by virtue of the provisions of clause (b) of sub-section (1) of the said section 7A, general ward elections of the Councillors were to be held within a period of one year ;

AND WHEREAS, by virtue of the provisions of section 22, the general ward elections of Councillors were, therefore, required to be held on such dates in the months of January to March 1985 as the Administrator thought fit, and that the results of such elections were to be declared before the end of March 1985 ;

AND WHEREAS, under clause (b) of sub-section (1) of section 7A, the term of office of the Administrator would have expired at noon on the first day of April of the year in which the general ward elections of Councillors would have been held ;

AND WHEREAS, Administrators had also been appointed to manage the affairs of the Corporation of the City of Solapur constituted under the Bombay Bom. Provincial Municipal Corporations Act, 1949, of the City of Nagpur Corporation LIX of 1949. under the provisions of the City of Nagpur Corporation Act, 1948 and of all the C.P. and Berar II of 1930. Mah. XL of 1965. Municipal Councils constituted under the Maharashtra Municipalities Act, 1965 ;

AND WHEREAS, the period before which general ward elections to the said Corporations and the Councils were to be held, was due to expire before the middle of April 1985 ;

AND WHEREAS, in view of the general elections to the Maharashtra State Legislative Assembly, which were scheduled to be held in March 1985, it was not possible to hold general ward elections to all these Corporations and Councils and declare the results of such elections, in the case of the Municipal Corporation of Greater Bombay, before the 31st day of March 1985 and, in the case of the other Corporations and the Councils, before the middle of April 1985 ;

AND WHEREAS, Government had, therefore, decided to hold the general ward elections to all these Corporations and Councils in April 1985 ;

¹ For statement of Objects and Reasons, see Maharashtra Government Gazette, 1985, Part V, Extraordinary, Page 5.

10522 *The Bombay Municipal Corporation, Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Act, 1985* [1985 : Mah. III]

AND WHEREAS, as a result of this decision, it was expedient further to amend all the aforesaid four Acts, to take power to the State Government to extend the period for holding general ward elections to all these Corporations and Councils by a further period of one month and to provide for other consequential and incidental matters ;

AND WHEREAS, both Houses of the State Legislature were not in session ;

AND WHEREAS, the Governor of Maharashtra was satisfied that circumstances existed, which rendered it necessary for him to take immediate action further to amend the aforesaid four Acts, for the purposes hereinafter appearing ; and therefore, promulgated the Bombay Municipal Corporation, Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1985, on the 11th February 1985.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

- Short title and commencement. 1. (1) This Act may be called the Bombay Municipal Corporation, Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Act, 1985.
- Amendment of section 7A of Bom. III of 1888. (2) It shall be deemed to have come into force on the 11th February 1985.
- Amendment of section 22 of Bom. III of 1888. 2. (Amendment has been incorporated in the Principal Act).
- Consequences of extension of the period of Administrator and fixation of pay for retirement of the Councillors. 3. (Amendment has been incorporated in the Principal Act).
- Application of principal Act. 4. (Amendment has been incorporated in the Principal Act).
- Amendment of section 7-A1 of Bom. LIX of 1949. 5. (Amendment has been incorporated in the Principal Act).
- Amendment of section 22A of C.P. and Berar II of 1950. 6. (Amendment has been incorporated in the Principal Act).
- Amendment of section 48A of Mah. XL of 1965. 7. In section 22A of the City of Nagpur Corporation Act, 1948 ; in sub-section (1), in the proviso to clause (d), for the words " four years and two months " and the words " four years and three months " shall be substituted.
8. (Amendment has been incorporated in the Principal Act).

Mah.
Ord. I
of
1985.

C.P.
and
Berar
II of
1950.

1985 : Mah. III] *The Bombay Municipal Corporation, Bombay Provincial
Municipal Corporations, City of Nagpur Corporation and
Maharashtra Municipalities (Amendment) Act, 1985.* 10523

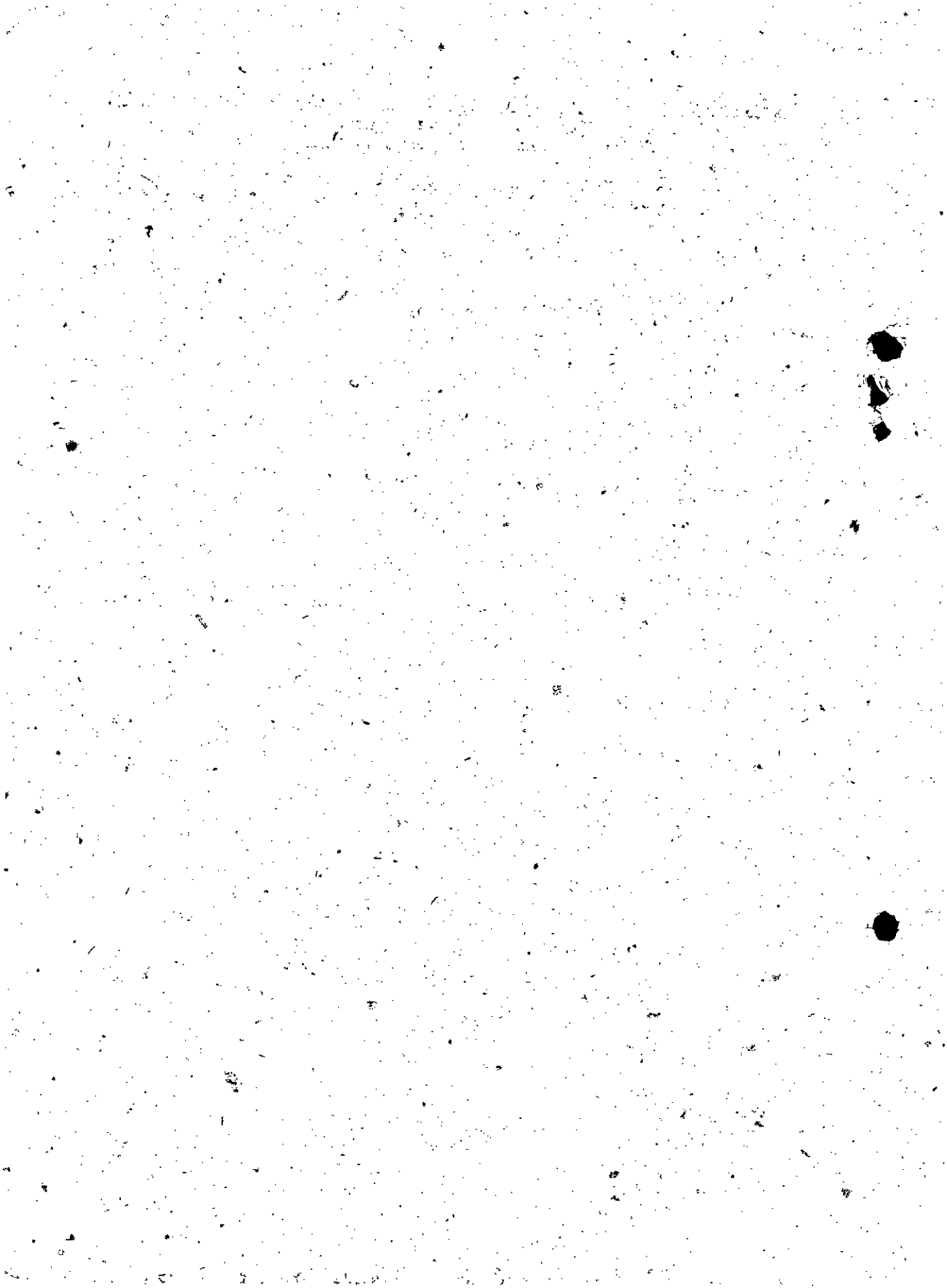
9. If any difficulty arises in giving effect to the provisions of any of these Acts as amended by this Act, or by reason of anything contained therein, or in giving effect to any of these Acts in respect of the matters contained in this Act, the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

10. (1) The Bombay Municipal Corporation, Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1985 is hereby repealed.

Mah.
Ord. I
of
1985.

Repeal of
Mah. Ord. I
of 1985 and
savings.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Acts, as amended by the said Ordinance, shall be deemed to have been done, taken or issued as, the case may be, under the Principal Acts amended by this Act.



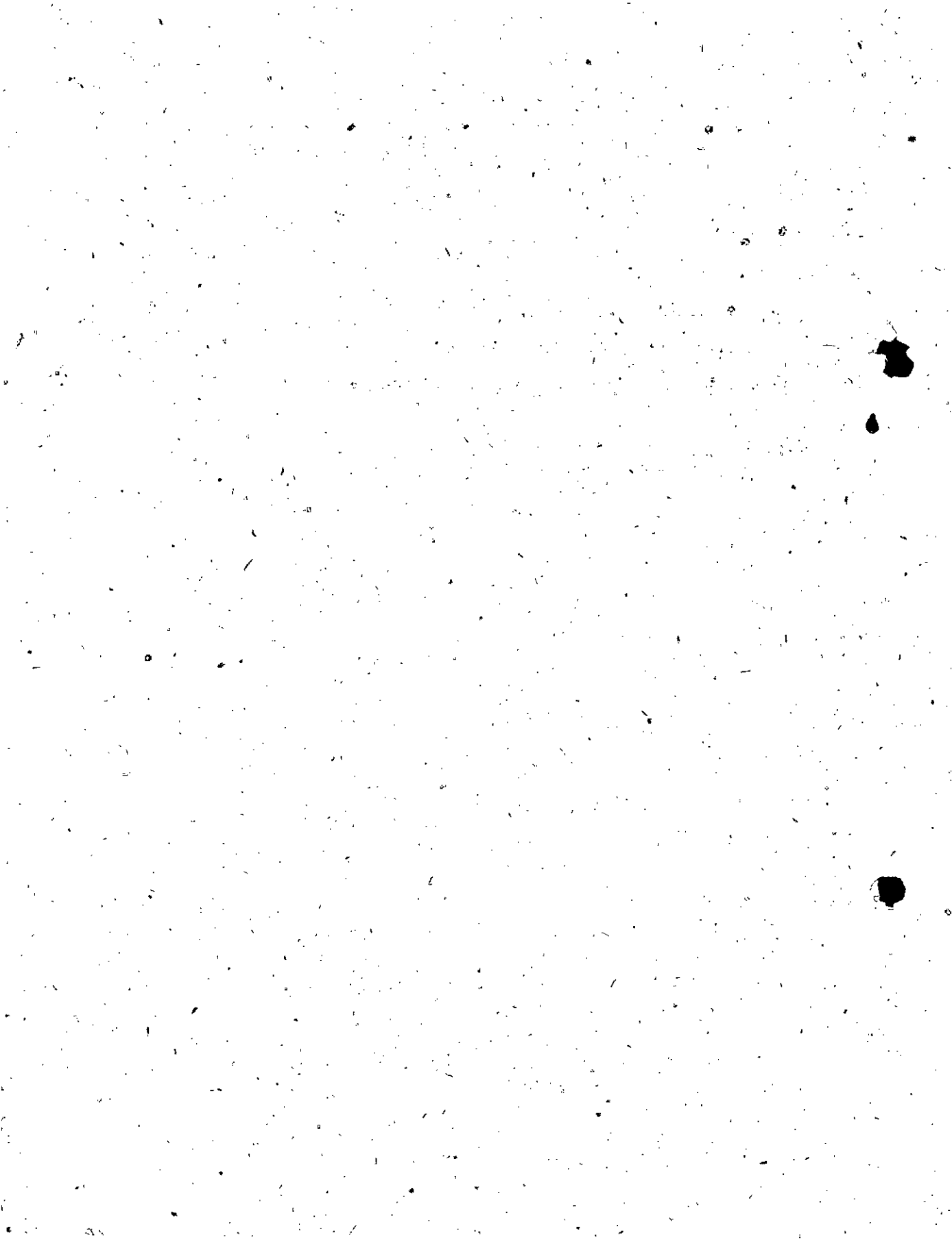
**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND
CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1987.**

CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement.
2. Amendment of section 79 of Bom. LIX of 1949.
3. Amendment of section 70 of C. P. and Berar II of 1950.



MAHARASHTRA ACT No. XXXVIII OF 1987¹

**[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS
AND CITY OF NAGPUR CORPORATION (AMENDMENT)
ACT, 1987]**

[This Act received assent of the Governor on the 1st December 1987; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 4th December 1987.]

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

Bom. WHEREAS it is expedient further to amend the Bombay Provincial Municipal
LIX Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the
of purposes hereinafter appearing; It is hereby enacted in the Thirty-eighth Year of
1959. C.P. the Republic of India as follows :—
and

- Berar II of 1950. 1. This Act may be called the Bombay Provincial Municipal Corporations and City of Nagpur Corporation (Amendment) Act, 1987. Short title and commencement.
2. (Amendment carried out in section 79 of Bom. LIX of 1949) the Bombay Provincial Municipal Corporations Act, 1949). Amendment of section 79 of Bom. LIX of 1949.
- C.P. and Berar II of 1950. 3. In section 70 of the City of Nagpur Corporation Act, 1948, after sub-section (5) the following sub-section shall be added, namely :— Amendment of section 70 of C.P. and Berar II of 1950.
- Mah. XXV III of 1971. “(6) Notwithstanding anything contained in this section the Commissioner may, with the sanction of the Corporation and with the approval of the State Government, grant a lease, for a period not exceeding thirty years, of a land belonging to the Corporation which is declared as a slum area under the provisions of the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971, to a co-operative society of slum dwellers, at such, rent, which may be less than the market value of the premium, rent or other consideration, for the grant of such lease, and subject to such conditions as the Corporation may impose.

The approval of the State Government under this sub-section may be given either generally for any class of cases of such lands or specially in any particular case of such land :

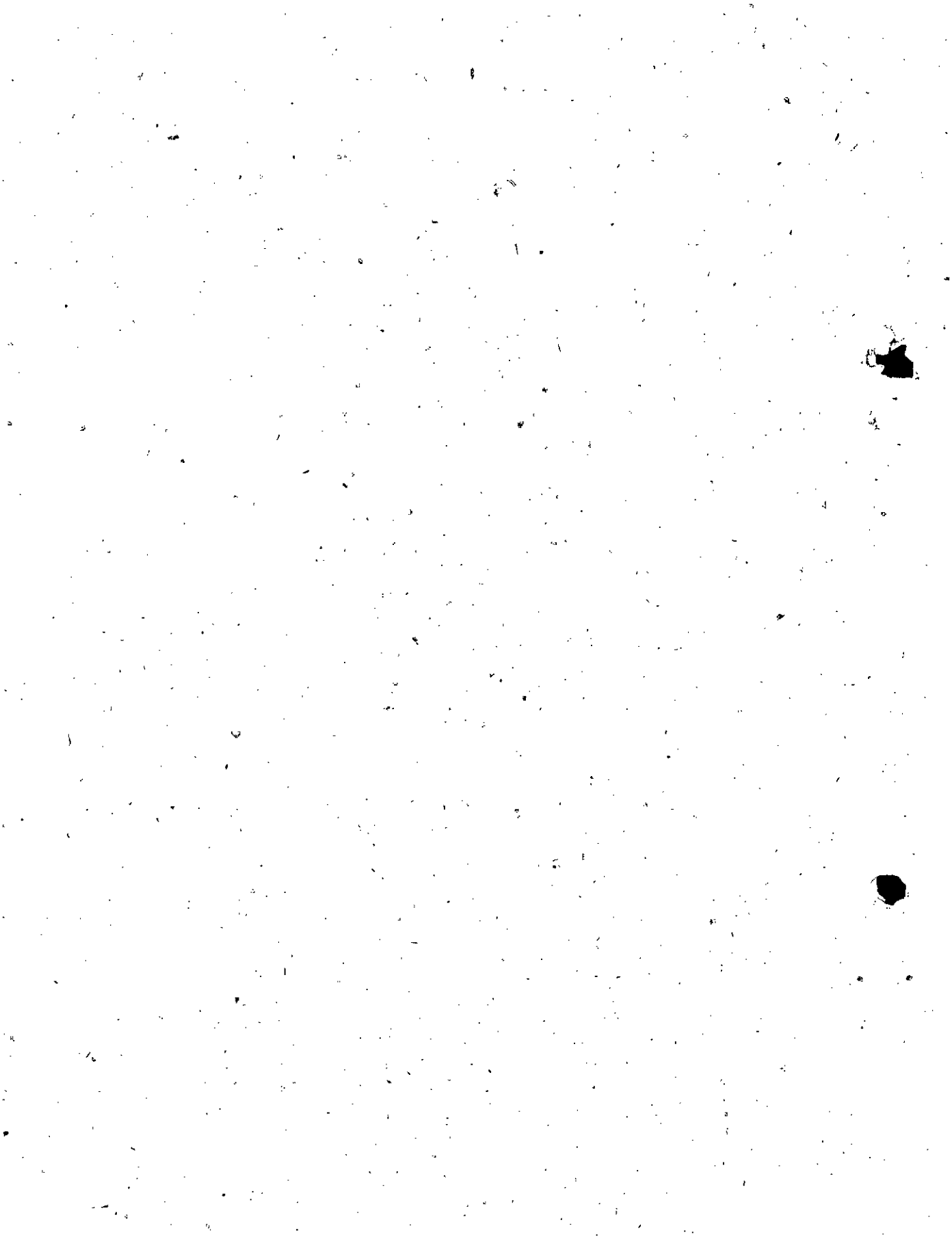
Provided that, the Commissioner may, in like manner renew, from time to time, the lease for such period and subject to such conditions as the Corporation may determine and impose.

Explanation.—For the purpose of this sub-section, the expression “slum dwellers” means the slum dwellers whose names are included—

- (a) in the list of hutment dwellers prepared in the census of hutments taken in the year 1976; or
- (b) where such census of hutments is not taken, in the Assembly roll in force in the year 1976; or
- (c) in the Assembly roll prepared in 1980 and published in May 1980; or
- (d) where it is contended that the name of a slum dweller remained to be included in the Assembly roll for the year 1980, in the Assembly roll in force in the year 1977, 1978 or 1979,

and who are occupying such land on the date of making an application by their co-operative society to the Corporation for grant of lease of such land.”.

¹ For Statement of Objects and Reasons see *Maharashtra Government Gazette*, Part V, Extraordinary, dated the 9th November 1987, p. 356.



THE MAHARASHTRA MUNICIPAL CORPORATION AND
MUNICIPALITIES (AMENDMENT) ACT, 1989

CONTENTS

PREAMBLE

SECTIONS.

1. Short title and commencement.
2. Amendment of section 19 of Bom. III of 1888.
3. Amendment of section 7A of Bom. LIX of 1949.
4. Amendment of section 15 of Bom. LIX of 1949.
5. Amendment of section 12 of C. P. and Berar II of 1950.
6. Amendment of section 18 of C. P. and Berar II of 1950.
7. Amendment of section 11 of Mah. XL of 1965.
8. Repeal of Mah. Ord. IV of 1989 and saving.

MAHARASHTRA ACT No. XXVIII OF 1989

THE MAHARASHTRA MUNICIPAL CORPORATION AND MUNICIPALITIES (AMENDMENT) ACT, 1989

[This Act received the assent of the Governor on the 8th August 1989; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 10th August 1989.]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstance existed which rendered it necessary for him to take immediate action further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations and Municipalities (Amendment) Ordinance, 1989, on the 12th June 1989;

Bom.
III of
1888.
Bom.
LIX
of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.
Mah.
Ord.
IV of
1989.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1989.

(2) It shall be deemed to have come into force on the 12th June 1989.

2. [Amendment of section 19 of Bom. III of 1888] Amendments have been carried out in the principal Act.

3. [Amendment of section 7A of Bom. LIX of 1949] Amendments have been carried out in the principal Act.

4. [Amendment of section 15 of Bom. LIX of 1949] Amendment has been carried out in the principal Act.

For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1989, Part-V, Extraordinary, pp. 288-289.

C.P. and Berar, 1950. 5. In section 12 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), in sub-section (3), for the words "twenty-one years", in both the places where they occur, the words "eighteen years" shall be substituted. Amendment of section 12 of C.P. and Berar II of 1950.

Mah. XXVIII of 1989. 6. In section 18 of the Nagpur Corporation Act, after sub-section (2), the following sub-section shall be added, namely:— Amendment of section 18 of C.P. and Berar II of 1950.

"(2A) Notwithstanding anything contained in sub-sections (1) and (2), having regard to the changed circumstances, during the period commencing on the date of commencement of the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1989 and ending on the 30th day of September 1990 or such other earlier date as the State Government may, by notification in the *Official Gazette*, specify, no election shall be held for the filling of a casual vacancy occurred whether before such date of commencement or during the period aforesaid."

7. (Amendment of section 11 of Mah. XL of 1965). Amendments have been carried out in the principal Act.

Mah. Ord. IV of 1989. 8. (1) The Maharashtra Municipal Corporations and Municipalities (Amendment) Ordinance, 1989, is hereby repealed. Repeal of Mah. Ord. IV of 1989 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the respective Acts as amended by the said Ordinance shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Municipal Acts, as amended by this Act.

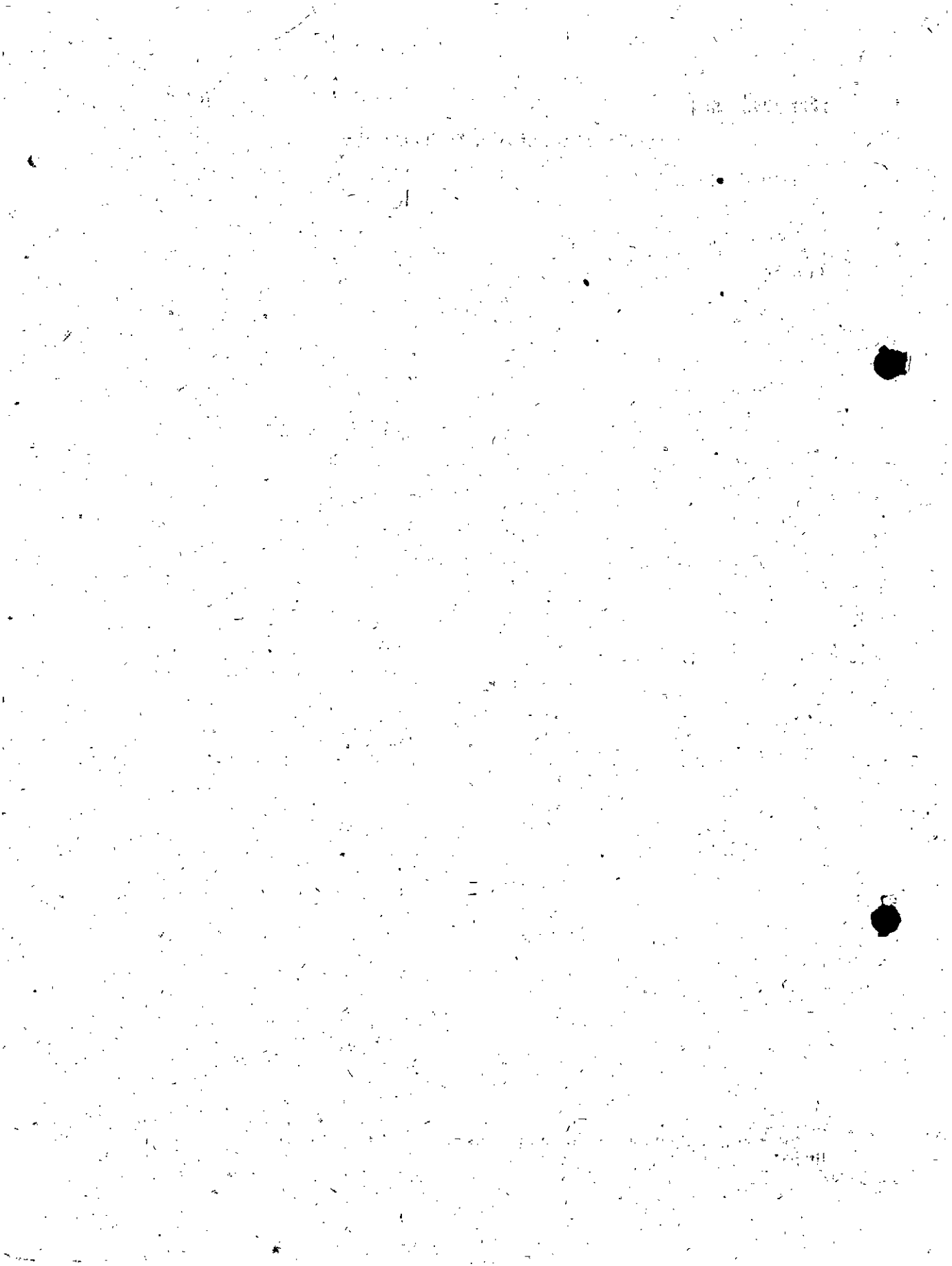
**THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT)
ACT, 1990.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 7 of Bom. III of 1888.
3. Amendment of section 9 of Bom. III of 1888.
4. Amendment of section 22 of Bom. III of 1888.
5. Amendment of section 36 of Bom. III of 1888.
6. Consequences of extension of the term of office of councillors.
7. Application of Bombay Municipal Corporation Act.
8. Amendment of section 6 of Bom. LIX of 1949.
9. Amendment of section 17 of C. P. and Berar II of 1950.
10. Removal of difficulty.
11. Repeal of Mah. Ord. V of 1990 and savings.



MAHARASHTRA ACT No. XI OF 1990¹.

**[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT)
ACT, 1990.]**

[This Act received the assent of the Governor on the 21st April 1990; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 24th April 1990.]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS both Houses of the State Legislature were not in session;

Bom. III of 1888.
Bom. LIX of 1949.
C.P. and Berar II of 1950.
Mah. Ord. V of 1990.

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 1990 on the 16th March 1990.

¹ For statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1990, Part V, Extraordinary, pp. 39-40.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Forty-first Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 16th March 1990.

2. [Amendment of section 7 of Bom. III of 1888].—Amendments have been carried out in the principal Act.

3. [Amendment of section 9 of Bom. III of 1888].—Amendments have been carried out in the principal Act.

4. [Amendment of section 22 of Bom. III of 1888].—Amendments have been carried out in the principal Act.

5. [Amendment of section 36 of Bom. III of 1888].—Amendments have been carried out in the principal Act.

6. [Consequences of extension of the term of office of councillors].—This section is reproduced as a footnote under the principal Act.

7. [Application of Bombay Municipal Corporation Act].—This section is reproduced as a footnote under the principal Act.

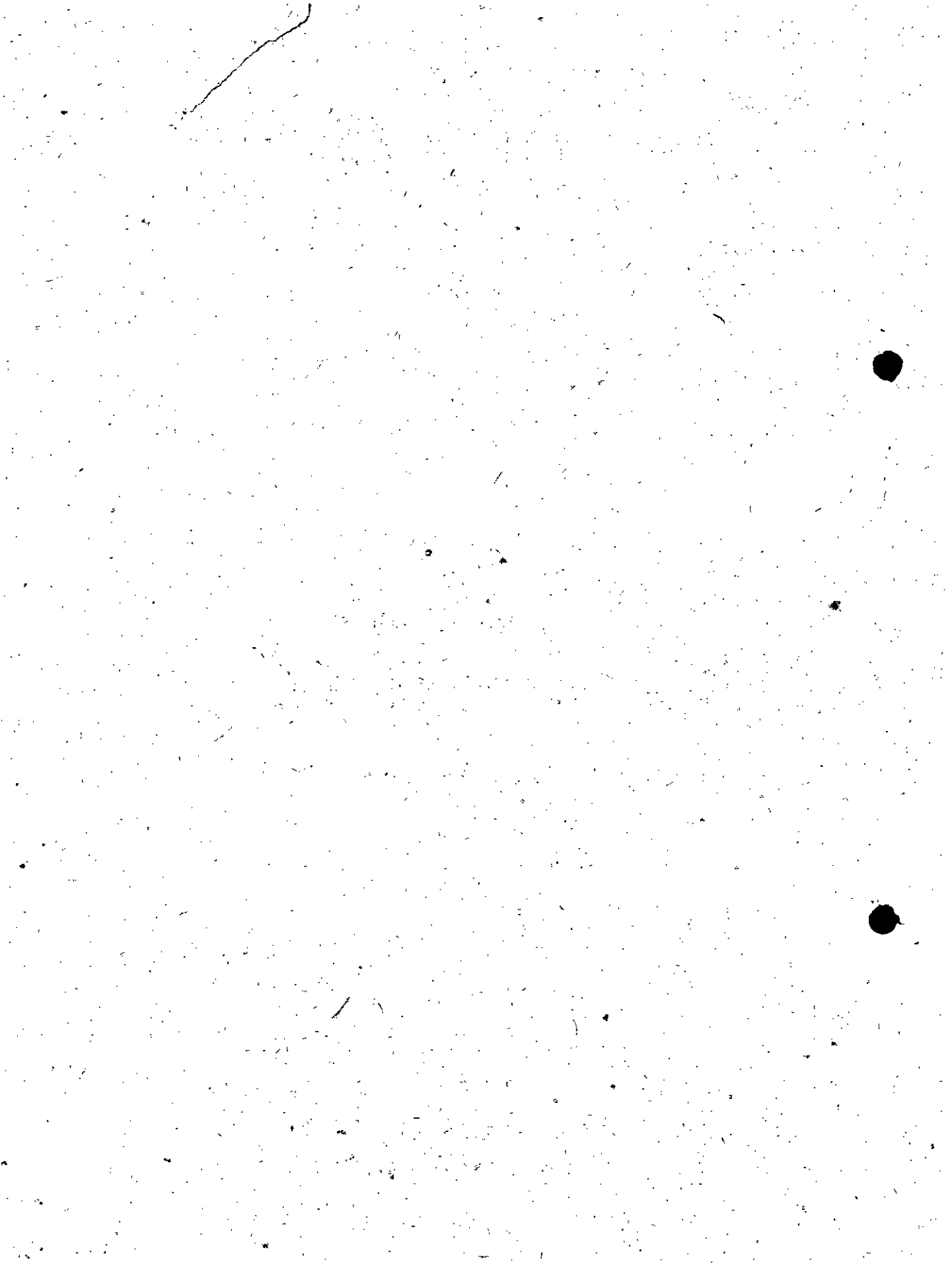
8. [Amendment of section 6 of Bom. LIX of 1949].—Amendments have been incorporated in the principal Act.

C.P. and Berar II of 1950. 9. In section 17 of the City of Nagpur Corporation Act, 1948, after sub-section (I), the following sub-section shall be inserted, namely:—
Amendment of section 17 of C.P. and Berar II of 1950.

Mah. XI of 1990. “(1A) Notwithstanding anything contained in sub-section (I) or any other provisions of this Act or the rules made thereunder, all councillors holding office on the date of the commencement of the Maharashtra Municipal Corporations (Amendment) Act, 1990 shall continue to hold office as such councillors till the 15th day of November 1990 or the date immediately preceding the date of the first meeting called after general elections held before the 15th day of November 1990, whichever is earlier; and thereupon they shall retire from office on that date.”

Bom. III of 1888. Bom. LI of 1949. C.P. and Berar II of 1950. 10. If any difficulty arises in giving effect to the provisions of the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 or the City of Nagpur Corporation Act, 1948, as amended by this Act, or by reason of anything contained therein, or in giving effect to any of these Acts in respect of the matters contained in this Act, the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.
Removal of difficulty.

Mah. Ord. V of 1990. 11. (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 1990, is hereby repealed.
Repeal of Mah. Ord. V of 1990 and savings.
(2) Notwithstanding such repeal, anything done or any action taken under the respective Acts, as amended by the said Ordinance, or any order issued under the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of the relevant Municipal Corporations Acts as amended by this Act or issued under the corresponding provisions of this Act.



**THE MAHARASHTRA MUNICIPAL CORPORATIONS AND
MUNICIPALITIES (AMENDMENT) ACT, 1990.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 14 of Bom. III of 1888.
3. Amendment of section 26 of Bom. III of 1888.
4. Amendment of section 83 of Bom. III of 1888.
5. Amendment of section 460U of Bom. III of 1888.
6. Amendment of section 471 of Bom. III of 1888.
7. Amendment of section 9 of Bom. LIX of 1949.
8. Amendment of Schedule to Bom. LIX of 1949.
9. Amendment of section 14 of C. P. and Berar II of 1950.
10. Amendment of section 18 of C. P. and Berar II of 1950.
11. Amendment of section 9 of Mah. XL of 1965.
12. Amendment of section 15 of Mah. XL of 1965.
13. Sitting councillors to continue to hold office.
14. Repeal of Mah. Ord. III of 1990 and saving.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM

TO : SAC, NEW YORK

FROM : SAC, NEW YORK

SUBJECT: [Illegible]

[Illegible text follows, including a list of names and dates.]

MAHARASHTRA ACT No. XII OF 1990,¹

[THE MAHARASHTRA MUNICIPAL CORPORATIONS AND MUNICIPALITIES (AMENDMENT) ACT, 1990.]

[This Act received the assent of the Governor on the 21st April 1990; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 24th April 1990.]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965

WHEREAS both Houses of the State Legislature were not in session;

Bom. III of 1888, Bom. LIX of 1949, C.P. and Berar II of 1950, Mah. XI of 1965, Mah. Ord. III of 1990, AND WHEREAS Shri Chittatosh Mookerjee, discharging the functions of the Governor of Maharashtra, was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations and Municipalities (Amendment) Ordinance, 1990, on the 12th February 1990;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1990, Part V, Extraordinary, p. 22.

10920 *Maharashtra Municipal Corporations and Municipalities* [1990: Mah. XII
(Amendment) Act, 1990

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Forty-first Year of the Republic of India as follows:—

Short title
and com-
mencement

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 12th February 1990.

2. [Amendment of section 14 of Bom. III of 1888].—Amendments have been carried out in the Principal Act.

3. [Amendment of section 26 of Bom. III of 1888].—Amendment have been carried out in the Principal Act.

4. [Amendment of section 83 of Bom. III of 1888].—Amendments have been carried out in the Principal Act.

5. [Amendment of section 460U of Bom. III of 1888].—Amendments have been carried out in the Principal Act.

6. [Amendment of section 471 of Bom. III of 1888].—Amendments have been carried out in the Principal Act.

7. [Amendment of section 9 of Bom. LIX of 1949].—Amendments have been carried out in the Principal Act.

8. [Amendment of Schedule to Bom. LIX of 1949].—Amendments have been carried out in the Principal Act.

Amendment
of section 14
of C.P. and
Berar II of
1950.

9. In section 14 of the City of Nagpur Corporation Act, 1948 (hereinafter referred as "the Nagpur Corporation Act"), in sub-section (1), after the words "a person who" the following shall be inserted, namely:—

C.P.
and
Berar
II of
1950.

"is not less than twenty-one years of age on the last date fixed for making the nominations for any general election or bye-election and".

Amendment
of section 18
of C.P. and
Berar II
of 1950.

10. In section 18 of the Nagpur Corporation Act, in sub-section (1), in the proviso, for the word "member" the words "person duly qualified to be Councillor" shall be substituted.

11. [Amendment of section 9 of Mah. XL of 1965].—Amendments have been carried out in the Principal Act.

12. [Amendment of section 15 of Mah. XL of 1965].—Amendments have been carried out in the Principal Act.

Bom. 13. For the removal of doubt, it is hereby declared that every person elected as a councillor of the Municipal Corporation of Greater Bombay or any of the Municipal Corporations constituted under the provisions of the Bombay Provincial Municipal Corporations Act, 1949 or of the Corporation of the City of Nagpur or of any of the Municipal Councils established under the Maharashtra Municipalities Act, 1965 and holding office as such councillor and has not attained the age of twenty-one years on or before the date of commencement of the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1990 shall, unless he resigns, or is disqualified to hold, such office of councillor before the expiry of his term, continue to be such councillor till the expiry of his term, as if the amendments made to the relevant municipal law by the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1990 had never been made.

Sitting
councillors
to continue
to hold office.

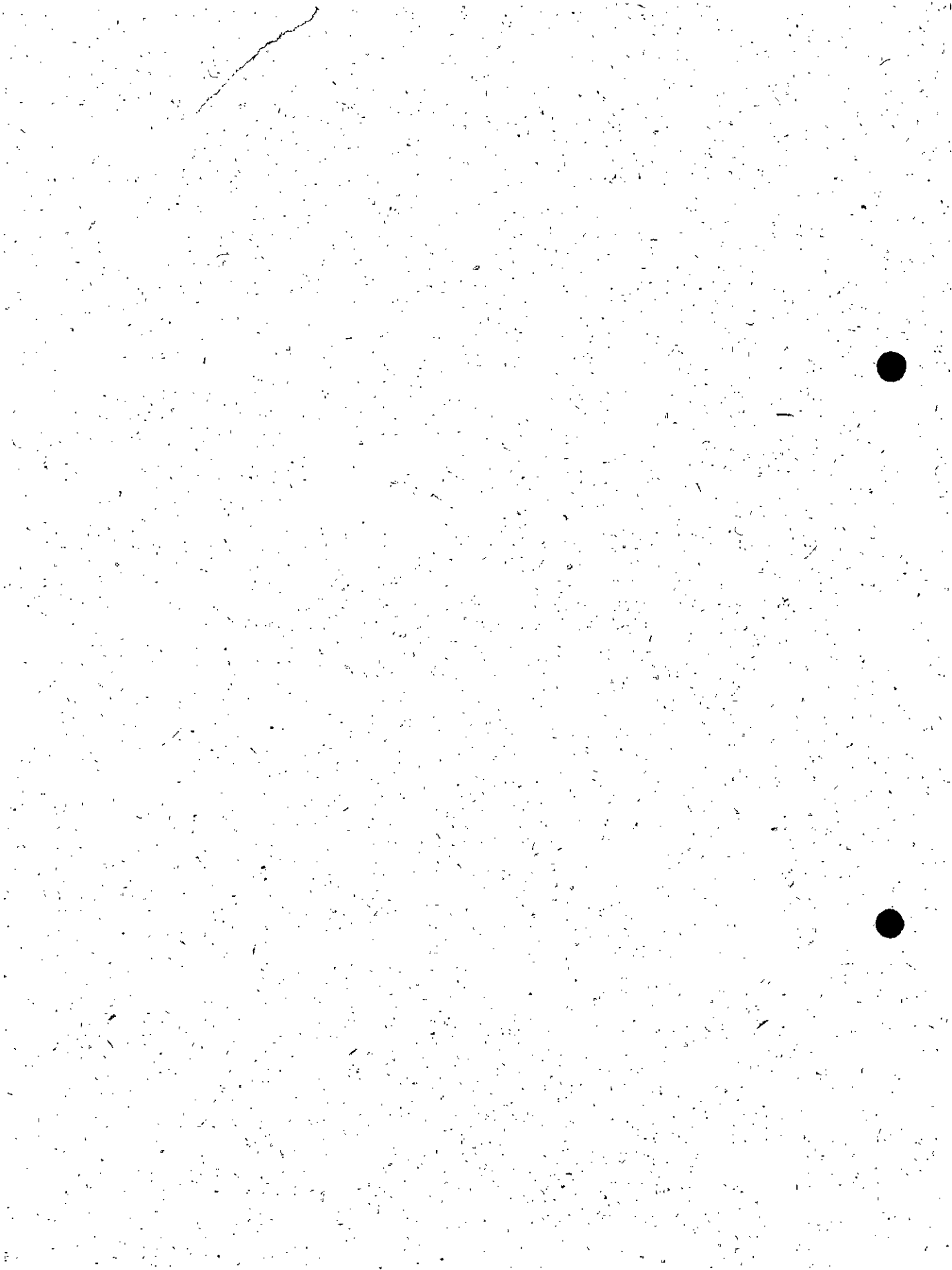
Mah.
XII of
1990.

14. (1) The Maharashtra Municipal Corporations and Municipalities (Amendment) Ordinance, 1990, is hereby repealed.

Repeal of
Mah. Ord.
III of 1990
and saving.

Mah.
Ord.
III of
1990.

(2) Notwithstanding such repeal, anything done or any action taken under the respective Acts, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of the relevant Municipal Acts, as amended by this Act.



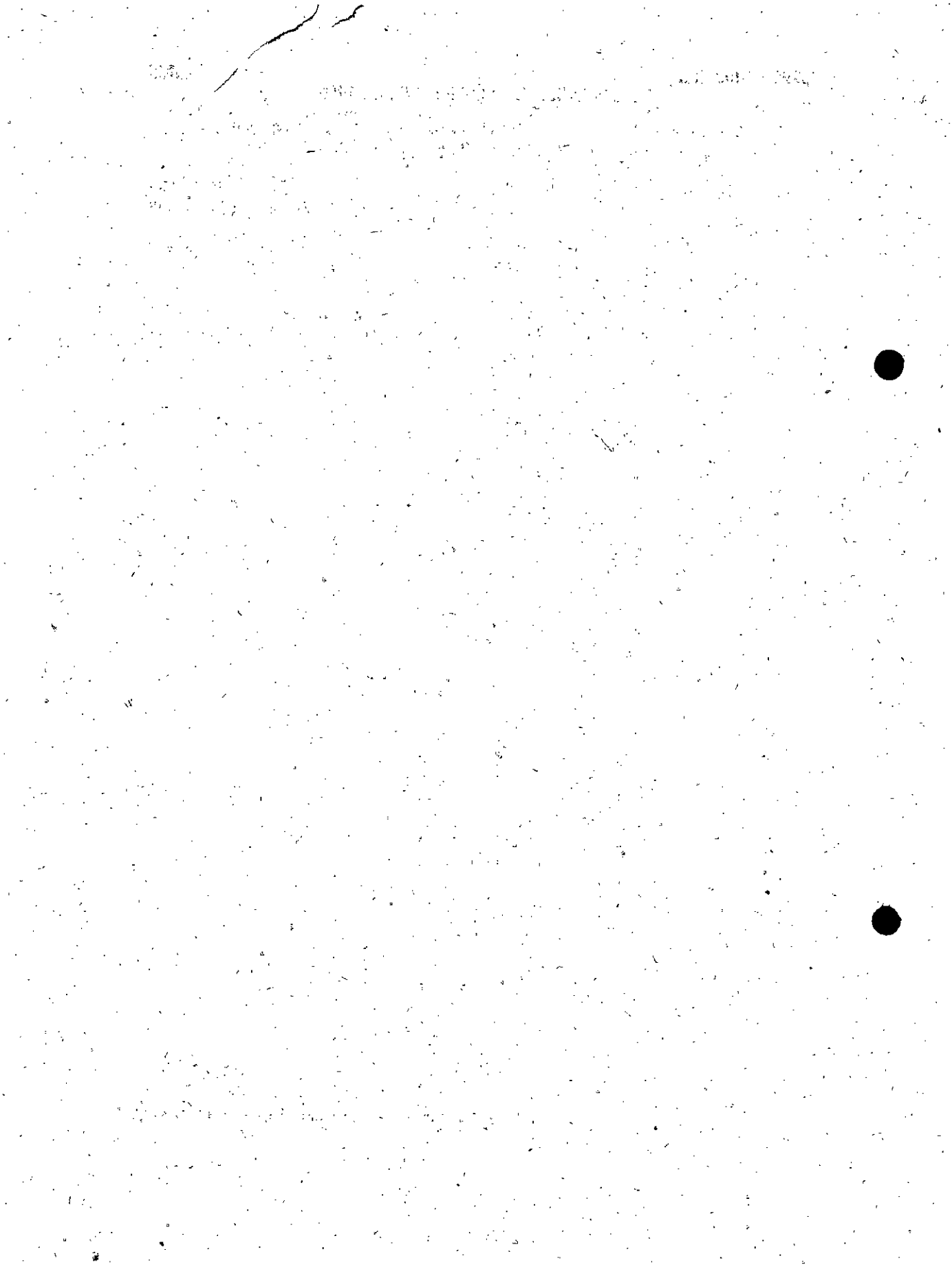
**THE MAHARASHTRA MUNICIPAL CORPORATIONS AND
MUNICIPALITIES (SECOND AMENDMENT) ACT, 1990.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 5 of Bom. III of 1888.
3. Amendment of section 92 of Bom. III of 1888.
4. Amendment of section 5 of Bom. LIX of 1949.
5. Amendment of section 9 of C.P. and Berar II of 1950.
6. Amendment of section 9 of Mah. XL of 1965.
7. Amendment of section 10 of Mah. XL of 1965.
8. Amendment of section 342 of Mah. XL of 1965.
9. Sitting women councillors to continue to hold office.



MAHARASHTRA ACT No. XIII OF 1990¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS AND MUNICIPALITIES (SECOND AMENDMENT) ACT, 1990.]

[This Act received the assent of the Governor on the 21st April 1990; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 24th April 1990.]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965.

WHEREAS Government has decided that thirty per cent of the total number of seats to be filled in by direct elections in every general election to a Municipal Corporation and Municipal Council shall be reserved for women;

AND WHEREAS such seats are proposed to be provided before the general elections to the Municipal Corporations and the Municipal Councils which are due and are to be held soon hereafter;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1990, Part V, Extraordinary, p. 117.

AND WHEREAS it is expedient further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965, for the purposes hereinafter appearing; It is hereby enacted in the Forty-first Year of the Republic of India as follows:—

Bom.
III of
1888.
Bom.
LIX
of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

Short Title 1. This Act may be called the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990.

2. (Amendment of section 5 of Bom. III of 1888).—Amendments have been carried out in the principal Act.

3. (Amendment of section 92 of Bom. III of 1888).—Amendments have been carried out on the Principal Act.

4. (Amendment of section 5 of Bom. LIX of 1949).—Amendments have been carried out in the Principal Act.

Amendment of section 9 of C.P. and Berar II of 1950. 5. In section 9 of the City of Nagpur Corporation Act, 1948,—

(a) in sub-section (2), in the second proviso, after the words "deem fit" the following shall be inserted, namely:—

C.P.
and
Berar
II of
1950.

"and in making such reservation, as nearly as may be, thirty per cent of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes; and where only two seats are reserved for the Scheduled castes, one of the two seats shall be reserved for women belonging to the Scheduled Castes;"

(b) after sub-section (2), the following sub-section shall be added, namely:—

"(3) Notwithstanding anything contained in sub-sections (1) and (2), for the purpose of any general election held after the commencement of the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990 (hereinafter referred to in this sub-section as "the said Amendment Act") are nearly as may be, thirty per cent (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election shall be reserved for women and allotted by rotation in such manner and to such wards in which the seats shall be so reserved, as the State Government may determine, and specify such wards in any notification issued under sub-section (2) :

Mah.
XIII
of
1990.

Provided that, having regard to the fact that a final notification under sub-section (2) constituting the number of wards and the boundaries thereof for City has already been issued before the commencement of the said Amendment Act, the wards therefrom to which seats reserved for women shall be allotted shall only be notified by the State Government in the *Official Gazette*, and the provisions of the fourth proviso to sub-section (2) shall *mutatis mutandis* apply to such notification as they apply to the notification issued under sub-section (2)."

1990 : Mah. XIII] Maharashtra Municipal Corporations and Municipalities 10927
(Second Amendment) Act, 1990.

6. [Amendment of section 9 of Mah. XL of 1965].—Amendment carried out in the Principal Act.

7. [Amendment of section 10 of Mah. XL of 1965].—Amendments carried out in the Principal Act.

8. [Amendment of section 342 of Mah. XL of 1965].—Amendments carried out in the Principal Act.

9. For the removal of doubt, it is hereby declared that every woman Councillor elected to a reserved seat in any of the Municipal Councils established under the Maharashtra Municipalities Act, 1965, and holding office, as such Councillor on the date of commencement of the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990, shall, unless she resigns or is disqualified to hold such office of Councillor before the expiry of her term, continue to be such Councillor till the expiry of her term, as if the amendments made to the Maharashtra Municipalities Act, 1965 by the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990, had never been made.

Mah. XL of 1965.
Mah. XIII of 1990.
Mah. XIII of 1965.
Mah. XIII of 1990.

Sitting women councillors to continue to hold office.



THE MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1991

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 5 of Bom. III of 1888.
3. Amendment of section 19 of Bom. III of 1888.
4. Amendment of section 22 of Bom. III of 1888.
5. Amendment of section 5 of Bom. LIX of 1949.
6. Amendment of section 6 of Bom. LIX of 1949.
7. Amendment of section 15 of Bom. LIX of 1949.
8. Amendment of section 9 of C.P. and Berar II of 1950.
9. Amendment of section 17 of C. P. and Berar II of 1950.
10. Amendment of section 18 of C. P. and Berar II of 1950.
11. Repeal of Mah. Ord. III of 1991 and Saving.

MAHARASHTRA ACT No. XV OF 1991.¹

THE MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1991.

This Act received the assent of the Governor on the 27th March 1991; assent first published in the *Maharashtra Government Gazette*, Part IV, Extra-ordinary, on the 30th March 1991.

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS both Houses of the State Legislature were not in session;

Bom. AND WHEREAS the Governor of Maharashtra was satisfied that circumstances
III of 1888. amended which rendered it necessary for him to take immediate action further to
Bom. amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal
LIX Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the
of purposes hereinafter appearing and, therefore, promulgated the Municipal Cor-
1949. porations (Amendment) Ordinance, 1991, on the 16th February 1991;

C. P.
and
Berar
II of
1950.
Mah.
Ord.
III of
1991.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature: It is hereby enacted in the Forty-second Year of the Republic of India as follows :

1. (1) This Act may be called the Municipal Corporations (Amendment) Act, 1991. Short title and commencement.

(2) It shall be deemed to have come into force on the 16th February 1991.

2. (Amendment of section 5 of Bom. III of 1888) Amendments have been carried out in the Principal Act.

3. (Amendment of section 19 of Bom. III of 1888) Amendments have been carried out in the Principal Act.

4. (Amendment of section 22 of Bom. III of 1888) Amendments have been carried out in the Principal Act.

5. (Amendment of section 5 of Bom. LIX of 1949) Amendments have been carried out in the Principal Act.

6. (Amendment of section 6 of Bom. LIX of 1949) Amendments have been carried out in the Principal Act.

7. (Amendment of section 15 of Bom. LIX of 1949) Amendments have been carried out in the Principal Act.

¹. For Statement of objects and Reasons, See *Maharashtra Government Gazette*, 1991, Part V Extraordinary, p. 10.

Amendment of section 9 of C. P. and Berar II of 1950. 8. In section 9 of the City of Nagpur Corporation Act, 1948 (hereinafter c. p. referred to as "the Nagpur Corporation Act"), in sub-section (1), for the brackets and words "(not exceeding one hundred)" the brackets and words "(not exceeding one hundred and forty)" shall be substituted. C. P. and Berar II of 1950.

Amendment of section 17 of C. P. and Berar II of 1950. 9. In section 17 of the Nagpur Corporation Act, in sub-section (1A), for the figures, letters and words "9th day of May 1991", in both the places where they occur, the figures, letters and words "31st day of December 1991" shall be substituted.

Amendment of section 18 of C. P. and Berar II of 1950. 10. In section 18 of the Nagpur Corporation Act, in sub-section (2A), for the figures, letters and words "30th day of September 1990" the figures, letters and words "31st day of December 1991" shall be substituted.

Repeal of Mah. Ord. III of 1991 and saving. 11. (1) The Municipal Corporations (Amendment) Ordinance, 1991, is hereby repealed. Mah. Ord. III of 1991.

(2) Notwithstanding such repeal, anything done or any action taken under the relevant Municipal Corporation Acts, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of the said Municipal Corporation Acts, as amended by this Act.

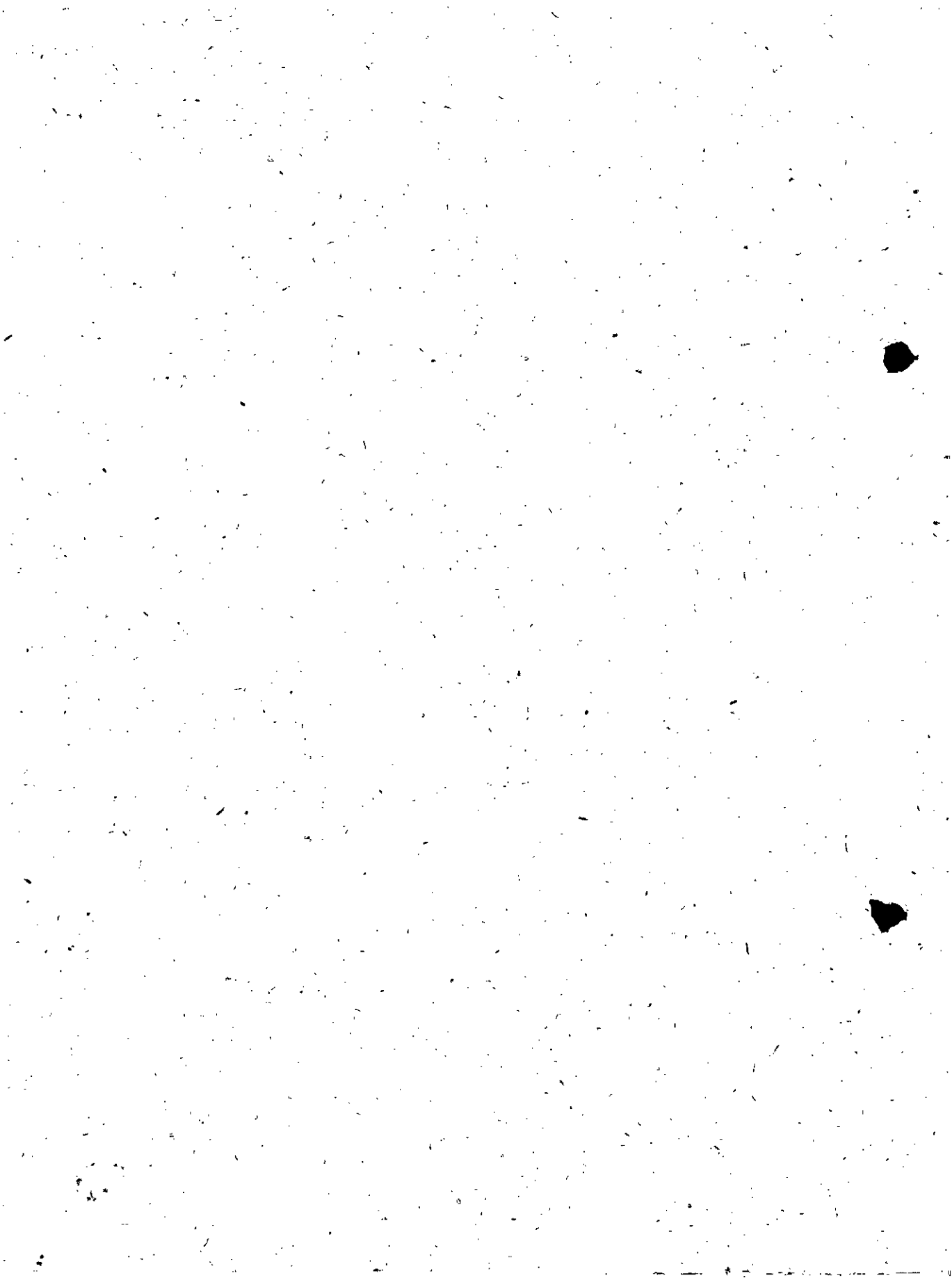
THE MUNICIPAL CORPORATIONS (SECOND AMENDMENT) ACT, 1991.

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 22 of Bom III of 1888.
3. Amendment of section 6 of Bom. LIX of 1949.
4. Amendment of section 15 of Bom. LIX of 1949.
5. Amendment of Appendix IV of Bom. LIX of 1949.
6. Amendment of section 17 of C. P. and Berar II of 1950.
7. Amendment of section 18 of C. P. and Berar II of 1950.
8. Repeal of Mah. Ord. XI of 1991 and savings.



MAHARASHTRA ACT No. XXVI OF 1991¹(THE MUNICIPAL CORPORATIONS (SECOND AMENDMENT)
ACT, 1991].

[This Act received the assent of the Governor on the 23rd December 1991 ; assent first published in the *Maharashtra Government Gazette*, Part IV, Extra-ordinary, on the 27th December 1991.]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS, both Houses of the State Legislature were not in session ;

Bom. AND WHEREAS the Governor of Maharashtra was satisfied that circumstances
III of existed which rendered it necessary for him to take immediate action further to
1888. amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal
Bom. Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the
LIX of purposes hereinafter appearing ; and, therefore, promulgated the Municipal
1949. Corporations (Second Amendment) Ordinance, 1991 on the 29th October 1991 ;

C. P.
and
Berar
II of
1950.
Mah.
Ord.
XI of
1991.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Forty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Municipal Corporations (Second Amendment) Act, 1991.

Short title
and commen-
cement.

(2) It shall be deemed to have come into force on the 29th October 1991.

2. (Amendment of section 22 of Bom. III of 1888. Amendments have been carried out in the Principal Act.

3. (Amendment of section 6 of Bom. LIX 1949.) Amendments have been carried out in the Principal Act.

4. (Amendment of section 15 of Bom. LIX of 1949.) Amendments have been carried out in the Principal Act.

5. (Amendment of Appendix IV of Bom. LIX of 1949) Amendments have been carried out in the Principal Act.

C. P. 6. In section 17 of the City of Nagpur Corporation Act, 1948 (hereinafter
and referred to as "the Nagpur Corporation Act"), in sub-section (1A), for the figures,
Berar letters and words "31st day of December 1991", in both the places where they occur,
II of the figures, letters and words "30th day of June 1992" shall be substituted
1950.

Amendment
of section 17
of C. P. and
Berar II of
1950.

7. In section 18 of the Nagpur Corporation Act, in sub-section (2A), for the figures, letters and words "31st day of December 1991" the figures, letters and words "30th day of June 1992", shall be substituted.

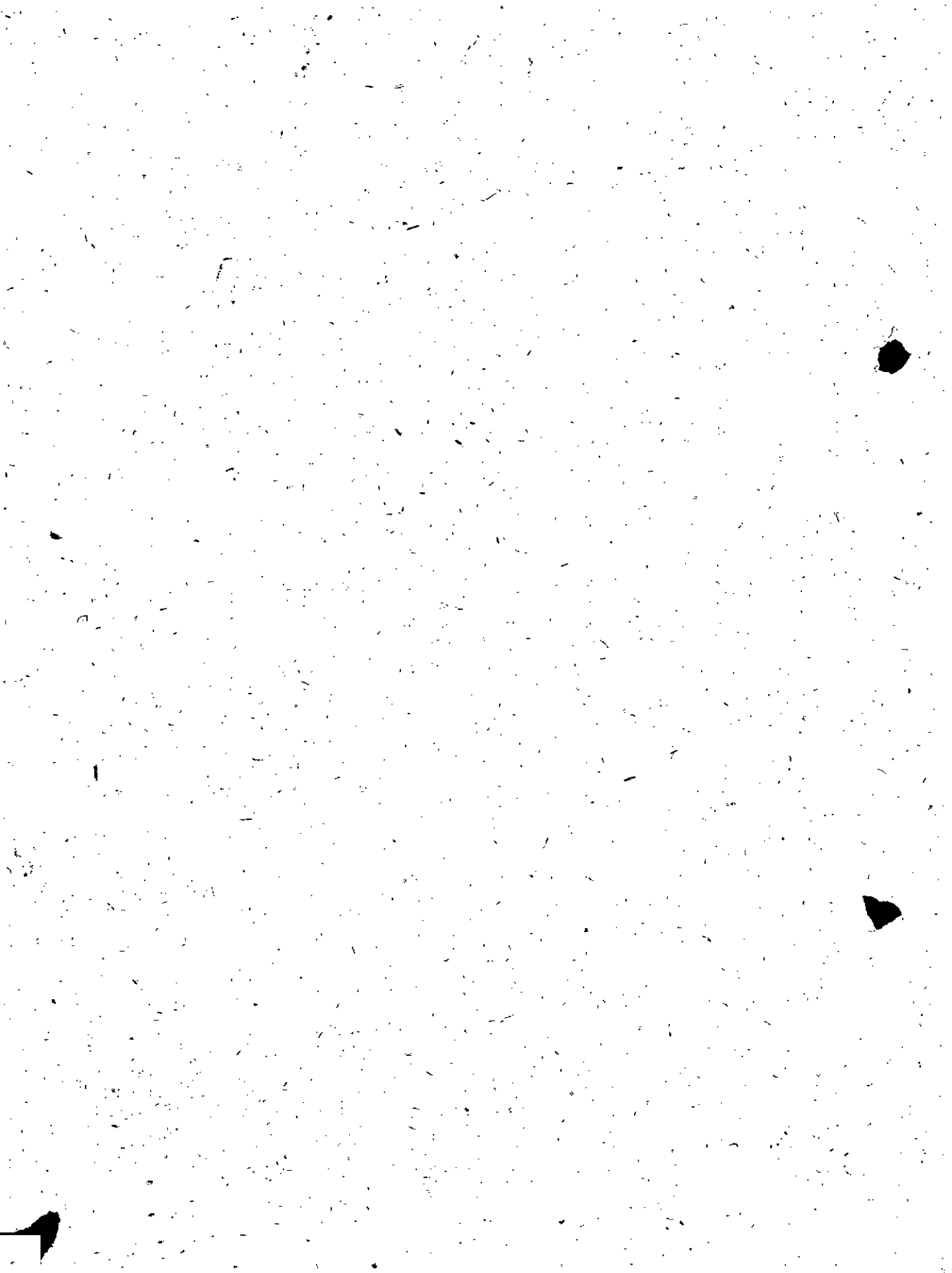
Amendment
of section 18
of C. P. and
Berar II
1950.

Mah. 8. (1) The Municipal Corporations (Second Amendment) Ordinance, 1991
Ord. hereby repealed.

Repeal of
Mah. Ord.
XI of 1991
and saving

1991. (2) Notwithstanding such repeal, anything done or any action taken under the relevant Municipal Corporation Acts, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of the said Municipal Corporation Acts, as amended by this Act.

¹ For Statement of Objects and Reasons, See *Maharashtra Government Gazette*, 1991, Part V, Extraordinary, pp. 260-261.



THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND CITY
OF NAGPUR CORPORATION (AMENDMENT) ACT, 1992

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 66 of Bom. LIX of 1949.
3. Insertion of heading and section 243A in Bom. LIX of 1949.
4. Amendment of section 58 of C. P. and Berar II of 1950.
5. Substitution of heading of Chapter VII of C. P. and Berar II of 1950.
6. Substitution of section 77 of C. P. and Berar II of 1950.
7. Amendment of section 78 of C. P. and Berar II of 1950.
8. Insertion of Sub-heading and sections 83A and 83B in C.P. and Berar II of 1950.
9. Amendment of section 84 of C. P. and Berar II of 1950.
10. Amendment of section 86 of C. P. and Berar II of 1950.
11. Amendment of section 114 of C. P. and Berar II of 1950.
12. Amendment of Sub-heading below section 115 of C. P. and Berar II of 1950.
13. Insertion of sections 115A, 115B and 115C in C. P. and Berar II of 1950.
14. Amendment of section 116 of C. P. and Berar II of 1950.
15. Amendment of section 117 of C. P. and Berar II of 1950.
16. Amendment of section 118 of C. P. and Berar II of 1950.
17. Amendment of section 119 of C. P. and Berar II of 1950.
18. Amendment of section 121 of C. P. and Berar II of 1950.
19. Amendment of section 122 of C. P. and Berar II of 1950.
20. Amendment of section 124 of C. P. and Berar II of 1950.
21. Amendment of section 132 of C. P. and Berar II of 1950.
22. Amendment of section 136 of C. P. and Berar II of 1950.
23. Amendment of section 139 of C. P. and Berar II of 1950.
24. Amendment of section 145 of C. P. and Berar II of 1950.
25. Amendment of section 192 of C. P. and Berar II of 1950.
26. Insertion of sub-heading and section 310A in C. P. and Berar II of 1950.

MAHARASHTRA ACT No. XIII OF 1992.

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS AND CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1992].

[This Act received the assent of the Governor on the 7th May 1992; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 11th May 1992.]

Bom. LIX of 1949 and Berar II of 1950. WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby enacted in the Forty-third Year of the Republic of India as follows :

1. (1) This Act may be called the Bombay Provincial Municipal Corporations and City of Nagpur Corporation (Amendment) Act, 1992. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette* appoint; and different dates may be appointed for different provisions of this Act.

2. (Amendment of section 66 of Bom. LIX of 1949) Amendments have been carried out in the Principal Act.

3. (Insertion of heading and section 243A in Bom. LIX of 1949) Amendments have been carried out in the Principal Act.

C.P. and Berar II of 1950. 4. In section 58 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), after clause (d), the following clause shall be inserted, namely :— Amendment of section 58 of C.P. and Berar II of 1950.

"(da) providing for parking or halting places or lots for vehicles on any part of any public street or public place which vests in the Corporation ;".

5. For the heading of Chapter VII of the Nagpur Corporation Act, the following shall be substituted, namely :— Substitution of heading of Chapter VII of C.P. and Berar II of 1950.

" THE MUNICIPAL FUND AND OTHER FUNDS

The Municipal Fund "

6. For section 77 of the Nagpur Corporation Act, the following shall be substituted, namely :— Substitution of section 77 of C.P. and Berar II of 1950.

" 77. Subject to the provisions of sections 83A and 83B, there shall be a municipal fund, and it shall be held in trust for the purposes of this Act. "

Municipal Fund to be held in trust.

7. In section 78 of the Nagpur Corporation Act, in sub-section (1), for the word "There" the words, figures and letters "Subject to the provisions of sections 83A and 83B there" shall be substituted. Amendment of section 78 of C.P. and Berar II of 1950.

Insertion
of sub-head-
ing and sec-
tions 83A and
83B in C.P.
and Berar
II of 1950.

8. After section 83 of the Nagpur Corporation Act, the following sub-heading and sections shall be inserted, namely :—

“ Special Funds.

Establish-
ment of
Consolidated
Sewage
Disposal and
Water
Supply Loan
Fund.

83A. (1) The Corporation shall establish and set apart a separate fund to be called ‘the Consolidated Sewage Disposal and Water Supply Loan Fund for the purposes of carrying into effect the provisions of Chapters XIII, XIV, XVI and XVII.

(2) The following moneys shall be credited to the said Loan Fund, namely :—

(a) any sums borrowed in exercise of the powers conferred by or under this Act for the purposes of Chapters XIII, XIV, XVI and XVII ;

(b) such portion of the sinking fund referred to in section 97 as the Corporation may, from time to time, determine.

(3) The fund so established shall be applied for,—

(a) the expenditure on capital works for the purpose of Chapters XIII, XIV, XVI and XVII ;

(b) the repayment of the previous loans raised for such capital works.

(4) Any moneys of the said Fund, not used or not immediately to be used in accordance with sub-section (3), shall be invested by the Commissioner, on behalf of the Corporation with the sanction of the Standing Committee, in such manner as he deems fit and proper.

Establish-
ment of
Sewage and
Water Fund.

83B. (1) The Corporation shall establish and set apart a separate fund to be called ‘the Sewage and Water Fund’.

(2) All moneys received by or on behalf of the Corporation under clauses (a) and (b) of section 115A or any other moneys received for the purposes of Chapters XIII, XIV, XVI and XVII shall be credited to the Sewage and Water Fund.

(3) All moneys payable to the credit of the said Fund shall be received by the Commissioner and forthwith paid by him into the Bank or Banks approved by the standing Committee, from time to time, in this behalf to the credit of account which shall be styled “the Account of the Sewage and Water Fund” :

Provided that, the Commissioner may retrain such balance in cash as may be necessary for the purposes of Chapters XIII, XIV, XVI and XVII.

(4) The moneys from time to time credited to the said Fund shall be applied only in payment of all sums, charges and costs necessary for the purposes of carrying into effect the provisions of Chapters XIII, XIV, XVI and XVII.

(5) Surplus moneys at the credit of the said Fund, which cannot immediately or at an early date be applied as provided in sub-section (4) may, from time to time, be deposited by the Commissioner at interest in the Bank or Banks approved by the Standing Committee or be invested in public securities.

(6) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation with the sanction of the Standing Committee, and with the like sanction, the Commissioner may, at any time, withdraw any deposits so made or dispose of any securities and redeposit or reinvest the moneys so withdrawn or the proceeds of the disposal of the securities; but no order for making any such deposit or investment or withdrawal or disposal shall have any validity, unless the same is in writing signed in the prescribed manner as for signing of cheques under section 81.

(7) The loss, if any, arising from any such deposit or investment shall be debited to 'the Sewage and Water Fund'.

9. In section 84 of the Nagpur Corporation Act, after the words "the municipal fund", in both the places where they occur the words "or the special funds" shall be inserted.

Amendment of section 84 of C. P. and Berar II of 1950.

10. In section 86 of the Nagpur Corporation Act,—

(a) in sub-section (1), after the words "the municipal fund" the words "and also of the special funds separately" shall be inserted ;

Amendment of section 86 of C.P. and Berar II of 1950.

(b) in sub-section (2), after clause (c), the following clause shall be inserted, namely :—

"(ca) as respects the special funds,—

(i) provide with reference to the provisions of Chapter XI such rates and extent of such municipal taxes, namely, sewerage tax, sewerage benefit tax, water tax and water benefit tax as the Commissioner thinks fit for the purposes of Chapters XIII, XIV, XVI, and XVII ;

(ii) state the estimate of receipt of the aforesaid taxes or of any other receipts ;

(iii) provide for payment as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act in respect of matters falling under Chapters XIII, XIV, XVI and XVII; and

(iv) provide for such expenditure, if any, as the Commissioner considers necessary to be incurred by the Corporation in the next financial year for the purpose of Chapters XIII, XIV, XVI and XVIII "

11. In section 114 of the Nagpur Corporation Act, in sub-section (1),—

(a) for clause (a), the following clause shall be substituted, namely :—

"(a) property taxes";

(b) clauses (b), (c) and (d) shall be deleted

Amendment of section 114 of C.P. and Berar II of 1950.

12. After section 115 of the Nagpur Corporation Act, in the sub-headings for the word "Tax", in both the places where it occurs, the word "Taxes" shall be substituted.

Amendment of sub-heading below section 115 of C.P. and Berar II of 1950.

13. After section 115 of the Nagpur Corporation Act, below the sub-heading, the following sections shall be inserted, namely :—

Insertion of sections 115A, 115B and 115C in C.P. and Berar II of 1950.

"115A. The following taxes shall be levied on buildings and lands in the City and shall be called "property taxes", namely :—

Property taxes of what to consist and at what rate leviable.

(a)(i) the sewerage tax of so many per centum of their annual value, as the Corporation may consider necessary for collection, removal and disposal of human waste and other wastes ;

(ii) an additional sewerage tax which shall be called the "sewerage benefit tax" of so many per centum of their annual value, as the Corporation may

consider necessary for meeting the whole or a part of the expenditure incurred or to be incurred on capital works for making and improving facilities for collection, removal and disposal of human waste and other wastes and for maintaining and operating such works ;

(b) (i) the water tax of so many per centum of their annual value, as the Corporation may consider necessary for providing water supply ;

(ii) an additional water tax which shall be called " the water benefit tax " of so many per centum of their annual value, as the Corporation may consider necessary for meeting the whole or part of the expenditure incurred or to be incurred on capital works for making and improving the facilities of water supply and for maintaining and operating such works ;

(c) a general tax of not less than twelve per centum of the annual value determined under this Chapter.

Sewerage
taxes on
what
properties
to be
levied.

115B. (1) The sewerage tax shall be levied only in respect of the properties,—

(a) situated in any portion of the City in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cess-pools will be undertaken by the municipal agency; or

(b) in which, wherever situate, there is a privy, water-closet, cess-pool, urinal bathing place or cooking place connected by a drain with a municipal drain :

Provided that, the said tax shall not be levied in respect of any premises situated in any portion of the City specified in clause (a), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(2) The sewerage benefit tax shall be levied in respect of all the premises situated in the City.

Water taxes
on what pro-
perties to be
levied.

115C. (1) Subject to the provisions of section 220, the water tax shall be levied only in respect of the properties,—

(a) to which a private water-supply is furnished from or which are connected by means of communication pipes with any municipal water-works; or

(b) which are situated in a portion of the City in which the Commissioner has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply to all the premises in the said portion.

(2) Subject to the provisions of section 220, the water benefit tax shall be levied in respect of all the premises situated in the City. "

Amendment
of section
116 of C.P.
and Berar
II of 1950.

14. In section 116 of the Nagpur Corporation Act,—

(a) in sub-section (1), for the words and figures "A property tax of not less than 6½ per cent of the annual valuation determined under this Chapter " the words " The general tax " shall be substituted ;

(b) in sub-section (3), for the words " property tax " the words " general tax " shall be substituted ;

(c) in sub-section (4), for the words " property tax ", in both the places where they occur, the words " general tax " shall be substituted ;

(d) for the marginal note, the following marginal note shall be substituted, namely :—

" General tax on what properties to be levied. "

15. In section 117 of the Nagpur Corporation Act,—
(a) in sub-section (1) for the words “ property tax ” the words “ general tax ” shall be substituted ;
(b) in sub-section (2), for the words “ property tax ” and “ property taxes ” the words “ general tax ” and “ general taxes ”, respectively, shall be substituted ;
(c) in the marginal note, for the words “ property tax ” the words “ general tax ” shall be substituted.
16. In section 118 of the Nagpur Corporation Act, in the marginal note, for the words “ property tax ” the words “ general tax ” shall be substituted.
17. In section 119 of the Nagpur Corporation Act,—
(a) in the opening portion, for the words “ property tax ” the words “ property taxes ” shall be substituted ;
(b) in clause (c), for the words “ five per cent ” the words “ eight and a quarter per cent. ” shall be substituted ;
(c) in the proviso, for the words “ five per cent ” the words “ eight and a quarter per cent. ” shall be substituted.
18. In section 121 of the Nagpur Corporation Act, for the words “ property tax ” the words “ property taxes ” shall be substituted.
19. In section 122 of the Nagpur Corporation Act, for the word “ tax ” the word “ taxes ” shall be substituted.
20. In section 124 of the Nagpur Corporation Act, for the words “ property tax ” the words “ property taxes ” shall be substituted.
21. In section 132 of the Nagpur Corporation Act, in sub-section (1),—
(a) in clause (e) for the word “ tax ” the word “ taxes ” shall be substituted ;
(b) in clause (f) , for the words “ property tax ” the words “ general tax ” shall be substituted.
22. In section 136 of the Nagpur Corporation Act, in sub-section (1), for the word “ tax ”, in both the places where it occurs, the word “ taxes ” shall be substituted.
23. In section 139 of the Nagpur Corporation Act,—
(a) for the word “ tax ” the word “ taxes ” shall be substituted ;
(b) in the marginal note, for the word “ tax ” the word “ taxes ” shall be substituted.

Amendment of section 117 of C.P. and Berar II of 1950.

Amendment of section 118 of C.P. and Berar II of 1950.

Amendment of section 119 of C.P. and Berar II of 1950.

Amendment of section 121 of C.P. and Berar II of 1950.

Amendment of section 122 of C.P. and Berar II of 1950.

Amendment of section 124 of C.P. and Berar II of 1950.

Amendment of section 132 of C.P. and Berar II of 1950.

Amendment of section 136 of C.P. and Berar II of 1950.

Amendment of section 139 of C.P. and Berar II of 1950.

10978 *Bombay Provincial Municipal Corporations and City of [1992 : Mah. XIII
Nagpur Corporation (Amendment) Act, 1992*

Amendment of section 145 of C.P. and Berar II of 1950. 24. In section 145 of the Nagpur Corporation Act, for the word "tax" the word "taxes" shall be substituted.

Amendment of section 192 of C.P. and Berar II of 1950. 25. In section 192 of the Nagpur Corporation Act, after the words "municipal fund" the words, figures and letters "or the special funds constituted under section 83A or 83B" shall be inserted.

Insertion of sub-heading and section 310A in C.P. and Berar II of 1950. 26. After section 310 of the Nagpur Corporation Act, the following sub-heading and section shall be inserted, namely :—

"Provision for parking or halting places or lots.

Provision for parking or halting places or lots and fees or charges thereof. 310A. (1) The Commissioner may, in consultation with the Commissioner of Police, Nagpur, from time to time, earmark such places as he thinks fit to be the parking or halting places or lots for vehicles on any part of a public street or public place.

(2) The Commissioner may, charge such fees or charges from any person or use of such place or lot by him for parking or halting a vehicle for each day or part thereof subject to such terms and conditions as the Commissioner may think fit, with the approval of the Corporation."

**THE MAHARASHTRA MUNICIPAL
CORPORATIONS (AMENDMENT) ACT, 2000**

CONTENTS

PREAMBLE

SECTIONS.

1. Short title and commencement.
2. [The Amendments have been incorporated in the
- and 3. Mumbai Municipal Corporation Act, and the Bombay
Provincial Municipal Corporations Act, 1949.]
4. Amendment of section 20 of C. P. and Berar II of 1950.
5. Repeal of Mah. Ord. VII of 2000 and saving.

MAHARASHTRA ACT No. XXV OF 2000¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT)
ACT, 2000]

(This Act received the assent of the Governor on the 18th April 2000; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 19th April 2000.)

Bom. LIX of 1949. C. P. and Berar II of 1950. **An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.**

WHEREAS both Houses of the State Legislature were not in session;

Bom. III of 1888. Bom. LIX of 1949. C.P. and Berar II of 1950. Mah. Ord. VII of 2000. **AND WHEREAS** the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes herein after appearing; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 2000, on the 4th March 2000;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2000.

Short title and commencement.

(2) It shall be deemed to have come into force on the 4th March 2000.

2. and 3. [The Amendments have been incorporated in the *Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, dated the 15th March 2000, Extraordinary, Part V-A, Page 27.

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

4. In section 20 of the City of Nagpur Corporation Act, 1948, for sub-section (1), the following sub-section shall be substituted, namely :—

C.P.
and
Berar
II of
1950.

“(1) The Corporation shall, subject to the provisions of sub-section (2), at its first meeting after the general elections, elect from amongst the Councillors one of its number to be the Mayor and another to be the Deputy Mayor. The tenure of the Mayor and the Deputy Mayor shall be of two and a half years:

Provided that, the term of the Mayor and the Deputy Mayor in office on the date of coming into force of the Maharashtra Municipal Corporations (Amendment) Act, 2000, shall be extended to, and, be co-terminus with, the term of the office of the elected Councillors :

Mah.
XXV
of
2000.

Provided further that, the roster relating to the reservation of the office of the Mayor shall be deemed to provide for the extended tenure of the Mayor.”

Repeal of
Mah. Ord.
VII of 2000
and saving.

5. (1) The Maharashtra Municipal Corporation (Amendment) Ordinance, 2000, is hereby repealed.

Mah.
Ord.
VII of
2000.

(2) Notwithstanding such repeal, anything done or any action taken under the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the said Acts, as amended by this Act.

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.

**THE MAHARASHTRA MUNICIPAL
CORPORATIONS AND MUNICIPAL COUNCILS,
NAGAR PANCHAYATS AND INDUSTRIAL
TOWNSHIPS (SECOND AMENDMENT) ACT, 1995**

CONTENTS

PREAMBLE

SECTIONS.

1. Short title.
2. (The Amendments made by chapters II and III
- and 3. have been incorporated in Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.)

CHAPTER IV

**AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT,
1948**

4. Amendment of section 15 of C. P. and Berar II of 1950.
5. (The amendment made by Chapter V has been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.)

THE MAHARASHTRA ACT, No. XLIII OF 2000¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS AND MUNICIPAL COUNCILS,
NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS (SECOND
AMENDMENT) ACT, 1995.]

(This Act received the assent of the Governor on the 9th September 2000; assent was first published in the *Maharashtra Government Gazette*, Extraordinary Part IV, on the 13th September 2000.)

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom
III of
1888. WHEREAS it is expedient further to amend the Bombay
Municipal Corporation Act, the Bombay Provincial Municipal
Bom. Corporations Act, 1949, the City of Nagpur Corporation Act,
LIX
of 1949. 1948 and the Maharashtra Municipal Councils, Nagar
Panchayats and Industrial Townships Act, 1965, for the
C.P. purposes hereinafter appearing; It is hereby enacted in the
and Forty-sixth Year of the Republic of India as follows :—
Berar
II of
1950.
Mah.
KL of
1965.

CHAPTER I

PRELIMINARY

1. This Act may be called the Maharashtra Municipal Short title.
Corporations and Municipal Councils, Nagar Panchayats and
Industrial Townships (Second Amendment) Act, 1995.

2. and 3. (The Amendments made by Chapters II and III
have been incorporated in the Bombay Municipal Corporation
Act and the Bombay Provincial Municipal Corporations
Act, 1949.)

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part-V, Page 209. dated the 14th September 1995.

CHAPTER IV

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Amendment of section 15 of C. P. and Berar II of 1950. 4. In section 15 of the City of Nagpur Corporation Act, 1948, after clause (i), before the *Explanation*, the following clause shall be added, namely :—

“(j) has more than two children :

Provided that, a person having more than two children on the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 1995 (hereinafter in this clause referred to as “the date of such commencement”), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase :

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

Explanation.—For the purposes of this clause,—

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity ;

(ii) “child” does not include an adopted child or children”.

5. (*The amendment made by Chapter V has been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*)

**THE MAHARASHTRA MUNICIPAL CORPORATIONS
(SECOND AMENDMENT) ACT, 2000**

CONTENTS

PREAMBLE

SECTIONS.

1. Short title and commencement.
2. (The Amendments have been incorporated in the
- and 3. Mumbai Municipal Corporation Act and the Bombay
Provincial Municipal Corporations Act, 1949.)
4. Substitution of section 64 of C. P. and Berar II of 1950.
5. Repeal of Mah. Ord. XVII of 2000 and saving.

THE MAHARASHTRA ACT No. II OF 2001¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (SECOND AMENDMENT)
ACT, 2000.]

(This Act received the assent of the Governor on the 31st December 2000; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 2nd January 2001.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations (Second Amendment) Ordinance, 2000, on the 16th September 2000;

Bom. III of 1888.
Bom. LIX of 1949.
C. P. and Berar II of 1950.
Mah. Ord. XVII of 2000.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Fifty-first Year of the Republic of India as follows :-

1. (1) This Act may be called the Maharashtra Municipal Corporations (Second Amendment) Act, 2000.

Short title and commencement.

(2) It shall be deemed to have come into force on the 16th September 2000.

2. and 3. [The Amendments have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.]

C.P. and Berar II of 1950. 4. For section 64 of the City of Nagpur Corporation Act, 1948, the following section shall be substituted, namely :-

Substitution of section 64 of C.P. and Berar II of 1950.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Extraordinary, Part V-A page 397.

- Tenders to be invited for contracts involving expenditure exceeding fifty thousand rupees.
- “ 64. (1)** The Commissioner shall invite tenders for contracts involving expenditure exceeding fifty thousand rupees.
- (2) The mode of executing contracts under this Act shall be prescribed by the bye-laws made under this Act.
- (3) No contract which is not made in accordance with the provisions of this Act and the bye-laws made thereunder shall be binding on the Corporation.”

Repeal of
Mah. Ord.
XVII of
2000 and
saving.

5. (1) The Maharashtra Municipal Corporations (Second Amendment) Ordinance, 2000, is hereby repealed.

Mah.
Ord.
XVII
of
2000.
Bom.
III of
1888.
Bom.
LIX
of
1949.
C.P.
and
Berar
II of
1950.

(2) Notwithstanding such repeal, anything done or any action taken under the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the said Acts, as amended by this Act.

**THE MAHARASHTRA MUNICIPAL CORPORATIONS
AND MUNICIPAL COUNCILS (AMENDMENT)
AND TEMPORARY PROVISIONS FOR
CONDUCT OF ELECTIONS OF MUNICIPAL
CORPORATIONS ACT, 2001**

CONTENTS

PREAMBLE.

SECTIONS.

CHAPTER I

PRELIMINARY

1. Short title and commencement.
- 2.-7. [*The amendments made by Chapters II and III have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

8. Amendment of section 9 of C.P. and Berar II of 1950.
9. Amendment of section 15 of C.P. and Berar II of 1950.
10. Amendment of section 420 of C.P. and Berar II of 1950.
- 11.-20. [*The amendments made by Chapter V have been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*]

CHAPTER VI

TEMPORARY PROVISIONS FOR CONDUCT OF ELECTIONS TO
MUNICIPAL CORPORATIONS.

21. Election Programme and other incidental provisions with regard to elections.

CHAPTER VII

MISCELLANEOUS.

22. Removal of doubt. [*Not Printed*]
23. Power to remove difficulties.
24. Repeal of Mah. Ord. XXVIII of 2001, Mah. Ord. XXXII of 2001, Mah. Ord. XXXIV of 2001 and Mah. Ord. XXXVII of 2001 and saving.

SCHEDULE

MAHARASHTRA ACT No. VIII OF 2002¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS AND MUNICIPAL COUNCILS
(AMENDMENT) AND TEMPORARY PROVISIONS FOR CONDUCT OF
ELECTIONS OF MUNICIPAL CORPORATIONS ACT, 2001.]

(This Act received the assent of the Governor on the 2nd January 2002; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 5th January 2002.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 and to make certain temporary provisions for conduct of general elections of Municipal Corporations.

WHEREAS both the Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 and to make certain temporary provisions for conduct of general elections of Municipal Corporations, for the purpose hereinafter appearing; and therefore promulgated the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2001, on the 7th September 2001, the Mumbai Municipal Corporation (Amendment) Ordinance, 2001, on the 20th October 2001, the Maharashtra Municipal Corporations (Amendment) and Temporary Provisions for Conduct of Elections of Municipal Corporations Ordinance, 2001, on the 7th November 2001 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2001, retrospectively with effect from the 16th October 2001, on the 15th November 2001;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Extraordinary, Part V-A, pages 489-491, dated the 4th December 2001.

AND WHEREAS it is expedient to replace the said Ordinances by a consolidated Act of the State Legislature; it is hereby enacted in the Fifty-second Year of the Republic of India, as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement. **1.** (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) and Temporary Provisions for Conduct of Elections of Municipal Corporations Act, 2001,

(2) (i) Sections 2, 3, 5(ii), 6, 8(a), 9, 11 and 13 to 20 and 23(i) of this Act, shall be deemed to have come into force on the 7th September 2001,

(ii) section 4 shall be deemed to have come into force on the 20th October 2001,

(iii) sections 5(i), 7, 8(b), 10, 21 and 23(ii) shall be deemed to have come into force on the 7th November 2001, and

(iv) sections 12 and 22 shall be deemed to have come into force on the 16th October 2001.

2.-7. [*The amendments made by Chapters II and III have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 9 of C.P. and Berar II of 1950. **8.** In section 9 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"),— C.P. and Berar II of 1950.

(a) in sub-section (1), in clause (a), for the words "one hundred twenty-nine" the words "one hundred thirty-six" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The State Election Commission shall, from time to time, by notification in the *Official Gazette*, specify for the city the number and boundaries of the wards into which the city shall be divided for the purpose of ward election of Councillors, so that, as far as practicable, the number of person per seat in each ward shall approximately be the same according to the latest census figures. Each of the wards shall elect not less than three and not more than five Councillors :

Provided that, before any notification is issued under this sub-section, a draft thereof shall be published in the *Official Gazette* and in such manner, as in the opinion of State Election Commission is best calculated to bring the information to the notice of all persons likely to be affected thereby, together with a notice specifying date on or before which any objections or suggestions will be received and date after which the draft will be taken into consideration.

Explanation.—For the purposes of this Act, the expression “latest census figures”, obtaining in sub-section (2), shall mean,—

(a) the figures of the latest census finally published and pending publication of final figures of the latest census shall mean the provisional figures published of such census ; and

(b) where the relevant final or provisional figures of the latest census are not available, the final relevant figures of the census immediately preceding the latest census.”.

9. In section 15 of the Nagpur Corporation Act, after clause (j), the following clause shall be added, namely :—

Amendment
of section
15 of C. P.
and Berar
II of 1950.

“(k) is a Member of the State Legislature or of Parliament :

Provided that, nothing in this clause shall affect the membership of a sitting Councillor till the expiry of his current term of office as such Councillor :

Provided further that, any action taken by such Councillor during the period from the 7th October 2001 till the 20th October 2001, being the date of publication of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) (Amendment) Ordinance, 2001, shall be deemed to have been validly taken and shall not be challenged in any court of law only on the ground that during the said period he had incurred disqualification under this clause.”.

Mah.
Ord.
XXXI
of
2001.

10. In section 420 of the Nagpur Corporation Act, to sub-section (1), the following proviso shall be added, namely :—

Amendment
of section
420 of
C.P. and
Berar II
of 1950.

“Provided that, if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the requirement of previous publication of the rules to be made under this section, for the purpose of conduct of election, under this Act.”.

11-20. [The amendments made by Chapter V have been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.]

CHAPTER VI

TEMPORARY PROVISIONS FOR CONDUCT OF ELECTIONS TO MUNICIPAL CORPORATIONS.

21. Notwithstanding anything contained in the relevant Municipal Law or the election rules contained therein or made thereunder, the provisions specified in the Schedule appended hereto, shall operate for holding of general elections, for the purpose of reconstituting the Corporation which are to be held immediately after the date of coming into force of this Act, or before expiry of its term, or before March 2002.

Election
Programme
and other
incidental
provisions
with
regard to
elections.

Explanation.—For the purposes of this Act, the expression “relevant municipal law” means,—

(a) in the case of Municipal Corporation of Brihan Mumbai, the Mumbai Municipal Corporation Act ;

Bom.
III of
1888.
C.P.
and
Berar
II of
1950.

(b) in the case of the Corporation of the City of Nagpur, the City of Nagpur Corporation Act, 1948 ;

(c) in the case of any other Corporation, the Bombay Provincial Municipal Corporations Act, 1949.

Bom.
LIX
of
1949.

CHAPTER VII

MISCELLANCOUS

22. Removal of doubt. [Not Printed]

Power to
remove
difficulties.

23. If any difficulty arises in giving effect to the provisions of,—

(i) any of the relevant municipal law or the Municipal Councils Act as amended by this Act, the State Government or, as the case may be, the State Election Commission, may by order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of the relevant municipal law or the Municipal Councils Act, as amended by this Act, as may appear to it to be necessary or expedient for the purposes of removing the difficulty ;

(ii) any of the relevant municipal law or rules contained therein or made thereunder, as they stand amended by this Act, or, as also to any other provision in any of the relevant municipal law or the rules contained therein or made thereunder or by reason of anything contained therein, the State Election Commission may, as occasion arises, by order, take such action as appears to it to be necessary for the purpose of removing such difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Repeal of
Mah. Ord.
XXVIII of
2001, Mah.
Ord.
XXXII of
2001, Mah.
Ord.
XXXIV of
2001 and
Mah. Ord.
XXXVII of
2001 and
saving.

24. (1) The Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2001, the Mumbai Municipal Corporation (Amendment) Ordinance, 2001, the Maharashtra Municipal Corporations (Amendment) and Temporary Provisions for Conduct of Elections of Municipal Corporations Ordinance, 2001 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2001, are hereby repealed.

Mah.
Ord.
XXXVIII
of 2001.
Mah.
Ord.
XXXII
of 2001.

(2) Notwithstanding such repeal, anything done or any action taken under the corresponding provisions of the relevant Municipal Law or the Municipal Councils Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the corresponding provisions of the relevant municipal laws or the Municipal Councils Act, as amended by this Act.

Mah.
Ord.
XXXIV
of 2001.
Mah.
Ord.
XXXVII
of 2001.

SCHEDULE

(See section 21)

Temporary Provisions with regard to Elections of Municipal Corporations

1. (a) When fixing the dates for holding of an election, the State Election Commission shall, without prejudice to its general powers of superintendence, direction and control in the matter of election, appoint,—

(i) the date for the publication of notice of programme of election by the Municipal Commissioner, which shall be the third day of the authentication of the ward roll ;

(ii) the last date for making nomination which shall be the seventh day from the date of publication of notice or programme of election ; and the nomination forms shall be issued and received for the first six days between 11-00 a.m. and 3-00 p.m. and on the last day, that is to say, the seventh day, shall be issued between 11-00 a.m. and 2-00 p.m. and shall be received before 3-00 p.m. ;

(iii) the date for the scrutiny of nomination papers, which shall be the day following the last date for making nominations ;

(iv) the last date for the withdrawal of candidature which shall be the third day (between 11-00 a.m. and 3-00 p.m.), after the date of the scrutiny ;

(v) the date for allotment of symbols which shall be the day following the last date of withdrawal ;

(vi) the date for publication of list of contesting candidates which shall be the day following the date of allotment of symbols ;

(vii) the date on which and the time during which a poll shall, if necessary, be taken which shall not be earlier than the twentieth day after the date of publication of list of contesting candidates and the poll shall be conducted between 7-30 a.m. and 5-30 p.m. ;

(viii) the date and the time and place for the counting of votes, which shall be the date following the date of poll ;

(ix) the date before which results shall be published in the *Official Gazette* which shall be the second day from the date of declaration of results.

(b) It shall be lawful for the State Election Commission to vary these dates in special circumstances such as natural calamity and law and order situation, after recording the reason therefor in writing.

2. A deposit of rupees three thousand shall be paid by each candidate on or before the date appointed for filling of the nomination by the candidates :

Provided that, if the seat is reserved for woman or for a candidate belonging to Scheduled Castes, or for Scheduled Tribes or, as the case may be, for the Backward Class of Citizens, the sum to be so deposited by or on behalf of a candidate shall be one thousand five hundred rupees.

3. The counting of the votes shall be done by mixing the ballot papers of the entire municipal ward.

4. (i) Notwithstanding anything contained in the relevant municipal law or in the election rules contained therein or made thereunder, it shall be lawful for the Municipal Commissioner or any other Officer authorised by the State Election Commission, under intimation to the concerned officer or authority, to requisition the officers or employees of any Government Department, local authority, corporation or company or body set up by the Government or teachers and other employees in Government or aided colleges and schools, for official duty in connection with the election and such officers and employees may be appointed as the Returning Officers, Presiding Officers, Polling Officers or in any other capacity in connection with the election ;

(ii) Except as otherwise provided by this Act, the provisions with regard to elections contained in any relevant municipal law, and the rules contained therein or made thereunder shall, to the extent they are not inconsistent with the provisions made by this Act shall, *mutatis mutandis*, apply in respect of any matter contained in this Act or any matter connected therewith.

THE MAHARASHTRA MUNICIPAL CORPORATIONS
AND MUNICIPAL COUNCILS, NAGAR PANCHAYATS
AND INDUSTRIAL TOWNSHIPS (AMENDMENT)
ACT, 2000.

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
- 2.-36. [*The amendments made by Chapter I and Chapter II have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949. respectively.*]

CHAPTER III

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

37. Amendment of section 15 of C.P. and Berar II of 1950.
38. Amendment of section 19 of C.P. and Berar II of 1950.
39. Insertion of new section 20-1F in C.P. and Berar II of 1950.
40. Amendment of section 63 of C.P. and Berar II of 1950.
41. Amendment of section 86 of C.P. and Berar II of 1950.
- 42.-52. [*The amendments made by Chapter IV have been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*]

MAHARASHTRA ACT No. XI OF 2002¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS AND MUNICIPAL COUNCILS,
NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS (AMENDMENT)
ACT, 2000.]

(This Act received the assent of the Governor on the 4th January 2002; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 8th January 2002.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III of 1888.
Bom. LIX of 1949.
C.P. and Berar II of 1950.
Mah. XL of 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; It is hereby enacted in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2000. Short title and commencement.

(2) (a) This section and sections 10 to 22 and 30 shall be deemed to have come into force on the 1st April 1999.

(b) The remaining provisions of the Act shall come into force on such* date, as the State Government may, by notification in the *Official Gazette*, appoint.

2.-36. [The amendments made by Chapter I and Chapter II have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949 respectively.]

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, dated the 30th March 2000, Extraordinary, Part V-A, Page 167.

*Sections 5, 6, 40, 45, 46, 47 and 50 came into force with effect from the 1st April 2002 and the remaining provisions of the Act came into force with effect from the 10 April 2003 *vide* G.N., Urban Development Department, No. MMC-1199/218/CR-29/2002/UD-32, dated the 14th February 2002.

CHAPTER III

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Amendment
of section
15 of C.P.
and Berar
II of 1950.

37. Section 15 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act") shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-sections shall be added, namely :—

C.P.
and
Berar
II of
1950.

"(2) (a) A person shall be disqualified for being a Councillor or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under sections 19(a), 21(2) or as the case may be, section 428, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, Scheduled Tribe or a Backward Class of Citizens (hereinafter referred to as "a reserved category"), on the basis of a false claim or a false Caste Certificate declaring that such person belonged to such reserved category.

(b) Such period of disqualification shall be computed with effect from the date of passing of such order by the concerned authority.

(3) (a) Notwithstanding anything contained in sub-section (2), a Councillor who has been elected to a reserved seat as mentioned in sub-section (2), shall be disqualified for being such Councillor consequent upon the Caste Certificate Verification Committee or any other Competent Authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from date of declaration of such Certificate to be invalid and cancellation of the same by the said Committee or the Competent Authority.

(b) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (a), the State Government shall, by notification in the *Official Gazette*, disqualify such person for being elected or for being a Councillor for a period of six years from the date of such Order."

38. In section 19 of the Nagpur Corporation Act,—

(a) in clause (e), for the words “the Commissioner” the words “the Commissioner, or” shall be substituted;

(b) after clause (e), the following clause shall be added, namely :—

“(f) has constructed or constructs by himself, his spouse or his dependent, any illegal or unauthorised structure violating the provisions of this Act or the Maharashtra Regional and Town Planning Act, 1966 or the rules or bye-laws framed under the said Acts ; or has directly or indirectly been responsible for, or helped in his capacity as such Councillor in, carrying out such illegal or unauthorised construction or has by written communication or physically obstructed or tried to obstruct, any Competent Authority from discharging its official duty in demolishing any illegal or unauthorised structure. Such disqualification shall be for the remainder of his term as a Councillor from the date of the declaration of such structure to be illegal or unauthorised by the concerned authority under the provisions of the said Acts or, as the case may be, from the date of commission of the act of interference or obstruction by the Councillor against the Competent Authority.”.

Mah.
XXXVII
of
1966.

Amendment
of section
19 of C.P.
and Berar
II of 1950.

39. After section 20-1E of the Nagpur Corporation Act, the following section shall be added, namely :—

“20-1F. (1) An elected Councillor who is, for the time being, the Leader of the Party having the greatest numerical strength and recognised as such by the Mayor shall be Leader of the House.

Explanation.—When there are two parties in ruling, having the same numerical strength, the Mayor shall, having regard to the status of the Party, recognise the Leader of any one of such Parties to be the Leader of the House.

(2) There shall be paid to the Leader of the House such honoraria and allowances and other facilities as may be provided by regulations made in this behalf by the Corporation.”.

Insertion
of new
section 20-
1F in C.P.
and Berar
II of 1950.

Leader of
the House.

Amendment
of section
63 of C.P.
and Berar
II of 1950.

40. In section 63 of the Nagpur Corporation Act, in clause (c),—

(a) for the words “not exceeding rupees twenty lakhs shall be made by the Commissioner, unless the same is approved by the Mayor,” the following portion shall be substituted, namely :—

“not exceeding rupees fifteen lakhs shall be made by the Commissioner, unless the same is approved by the Mayor. However, the total amount of the contracts approved by the Mayor shall not exceed rupees one crore during a year” ;

(b) for the words “in excess of rupees twenty lakhs” the words “in excess of rupees fifteen lakhs” shall be substituted.

Amendment
of section
86 of C.P.
and Berar
II of 1950.

41. In section 86 of the Nagpur Corporation Act,—

(i) in sub-section (1), for the words “tenth day of January” the words “fifth day of February” shall be substituted ;

(ii) in sub-section (3),—

(a) for the words “tenth day of January” the words “fifth day of February” shall be substituted ;

(b) for the words “fifteenth day of February” the words “twenty-eighth day of February” shall be substituted.

42. -52. [*The amendments made by Chapter IV have been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*]

THE BOMBAY PROVINCIAL MUNICIPAL CORPORATION,
THE CITY OF NAGPUR CORPORATION
AND THE MAHARASHTRA MUNICIPAL
COUNCILS, NAGAR PANCHAYATS AND
INDUSTRIAL TOWNSHIPS (AMENDMENT)
ACT, 2004.

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. and 4. *[The amendments have been incorporated in the Bombay Provincial Municipal Corporations Act, 1949 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.]*
3. Amendment of section 9 of C. P. and Berar II of 1950.

MAHARASHTRA ACT No. XVI OF 2004¹.

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, THE CITY OF NAGPUR CORPORATION AND THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS (AMENDMENT) ACT, 2004]

(The Act received the assent of the Governor on the 15th December 2004 ; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 15th December 2004).

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. LIX of 1949. C.P. and Berar II of 1950. WHEREAS, it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-fifth year of the Republic of India as follows :—

Mah. XL of 1965.

1. (1) This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2004. Short title and Commencement.

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

2. and 4. [*The amendments have been incorporated in the Bombay Provincial Municipal Corporations Act, 1949 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*].

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 2004, Extraordinary, Part V-A, page 314.

12004

Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2004 **2004 : Mah. XVI]**

Amendment
of section 9
of C. P.
and Berar
II of 1950.

3. In section 9 of the City of Nagpur Corporation Act, 1948, in sub-section (2), for the portion beginning with the words " so that as far as practicable, the number of persons " and ending with the words "not more than five Councillors : " the words " so that, as far as practicable, all wards shall be compact areas and the number of persons in each ward according to the latest census figures shall approximately be the same. Each of the wards shall elect only one Councillor : " shall be substituted.

C.P.
and
Berar
II of
1950.

**THE MAHARASHTRA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 2004**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
- 2 -3. [*The amendments have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]
4. Insertion of section 13 B in C. P. and Berar II of 1950.

MAHARASHTRA ACT No. V OF 2005¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 2004.]

(This Act received the assent of the Governor on the 4th January 2005; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 4th January 2005.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:—

Bom. III of
1888.
Bom. III of
1888.
C. P.
and
Berar
II of
1950.

1. This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2004. Short title.

2.-3. [The amendments have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.]

C. P.
and
Berar
II of
1950.

4. After section 13A of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely:— Insertion of section 13 B in C.P. and Berar II of 1950.

"13B. The voting at an election shall be by ballot or by electronic voting machine and no votes shall be received by proxy." Manner of voting.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 2004, Extraordinary, Part V-A, page 289.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, मे १०, २००६/वैशाख २०, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागांला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Amendment) Act, 2006 (Mah. Act No. XIX of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIX OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", dated the 10th May 2006).

An Act further to amend the Mumbai Municipal Corporations Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

Bom. III
of 1888.
Bom. Corporation Act, the Bombay Provincial Municipal Corporations Act,
LIX of 1949.
C.P.
and
Berar II
of 1950.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes

(३५०)

hereinafter appearing ; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

- Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2006.
- (2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.
- Insertion of section 144E in Bom. III of 1888. 2. After section 144D of the Mumbai Municipal Corporation Act (hereinafter referred to as “the Mumbai Corporation Act”), the following section shall be inserted, namely :—
- Levy of property tax at reduced rates in respect of buildings and lands of Special Development Projects. “144E. Notwithstanding anything contained in section 140 or any other provisions of this Act, the property tax in respect of buildings and lands belonging to the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.
- Explanation.*—For the purposes of this section, “Special Development Project” means,—
- (i) a development project undertaken either by the Government or by the Planning Authority, within the meaning of clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 ; or
- (ii) “a Mega Project” within the meaning of the Package Scheme of Incentives, 2001,
- approved by the High Power Committee under the Chairmanship of the Chief Secretary to Government and declared by the State Government, by notification in the *Official Gazette*, to be the Special Development Project.”
- Amendment of section 192 of Bom. III of 1888. 3. In section 192 of the Mumbai Corporation Act, after sub-section (4), the following sub-section shall be inserted, namely :—
- “ (5) Notwithstanding anything contained in this section or any other provisions of this Act, the octroi on the entry of articles mentioned in Schedule H, into *Brihan Mumbai*, for the consumption and use of the Special Development Project declared under section 144E shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.”

Bom. III
of 1888.Mah.
XXXVII
of 1966.

Bom. 4. After section 129 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Provincial Municipal Corporations Act"), the following section shall be inserted, namely :—

Insertion of section 129-1A in Bom. LIX of 1949.

"129-1A Notwithstanding anything contained in section 129 or any other provisions of this Act, the property tax in respect of buildings and lands belonging to the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.

Levy of property tax at reduced rates in respect of buildings and lands of Special Development Projects.

Explanation.—For the purposes of this section, "Special Development Project" means,—

(i) a development project undertaken either by the Government or by the Planning Authority, within the meaning of clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 ; or

(ii) "a Mega Project" within the meaning of the Package Scheme of Incentives, 2001,

approved by the High Power Committee under the Chairmanship of the Chief Secretary to Government and declared by the State Government, by notification in the *Official Gazette*, to be the Special Development Project."

5. In section 149 of the Provincial Municipal Corporations Act, after sub-section (5), the following sub-section shall be added, namely :—

Amendment of section 149 of Bom. LIX of 1949.

"(6) Notwithstanding anything contained in this section or any other provisions of this Act, the octroi on the entry of articles into the City, for the consumption and use of the Special Development Project declared under section 129-1A shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects."

6. In section 152A of the Provincial Municipal Corporations Act, after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment of section 152A of Bom. LIX of 1949.

"(1A) Notwithstanding anything contained in this section or any other provisions of this Act, the cess on the entry of goods into the City, for the consumption and use of the Special Development Project declared under section 129-1A shall be levied at such

reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.”.

Insertion of section 115AA in C. P. and Berar II of 1950.

7. After section 115A of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

C. P. and Berar II of 1950.

Levy of property tax and octroi at reduced rates in respect of buildings and lands of Special Development Projects.

“115AA. Notwithstanding anything contained in section 114, 115 or any other provisions of this Act,—

(a) the property tax in respect of buildings and lands belonging to the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects ;

(b) the cess or octroi on the entry of goods into the City, for the consumption and use of the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.

Explanation.—For the purposes of this section, “Special Development Project” means,—

(i) a development project undertaken either by the Government or by the Planning Authority, within the meaning of clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 ; or

(ii) “a Mega Project” within the meaning of the Package Scheme of Incentives, 2001,

approved by the High Power Committee under the Chairmanship of the Chief Secretary to Government and declared by the State Government, by notification in the *Official Gazette*, to be the Special Development Project.”.

Mah. XXXVII of 1966.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, मे ३१, २००६/ज्येष्ठ १०, शके १९२८

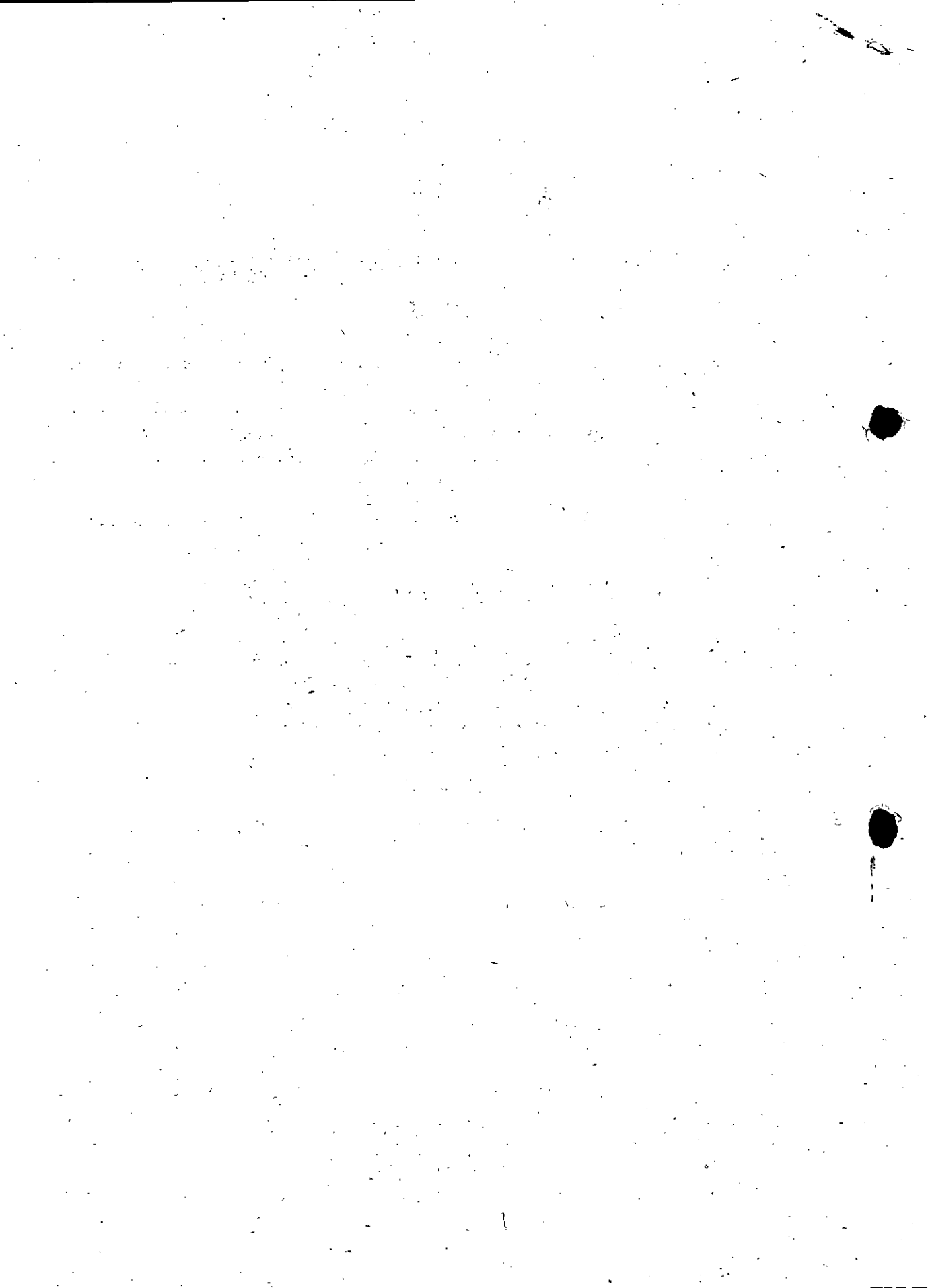
स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

ERRATA

In the English translation of the Maharashtra Municipal Corporations (Amendment) Act, 2006 (Mah. XIX of 2006), published in the *Maharashtra Government Gazette*, Extraordinary, Part VIII, dated the 10th May 2006, at pages 350-353, on page 350, in line 12, in the long title, for "Mumbai Municipal Corporations Act" read "Mumbai Municipal Corporation Act".





महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शनिवार, ऑगस्ट १९, २००६ / श्रावण २८, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2006 (Mah. Act. No. XXXV of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,

Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXV OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" dated the 19th August 2006).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom. LIX
of 1949.
C.P. and
Berar II of
1950.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra

(६५१)

Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India, as follows :—

Mah.
XL of
1965.

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2006.

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

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Insertion
of section
5B in Bom.
III of 1888.

2. After section 5A of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following section shall be inserted, namely :—

Bom.
III of
1888.

Person
contesting
election
for
reserved
seat to
submit
Caste
Certificate
and
Validity
Certificate.

"5B. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."

Mah.
XXIII
of
2001.

Amendment of
section 16 of
Bom. III of
1888.

3. In section 16 of the Mumbai Corporation Act, sub-sections (1B) and (1C) shall be deleted.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Insertion of
section 5B in
Bom. LIX of
1949.

4. After section 5A of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), the following section shall be inserted, namely :—

Bom.
LIX of
1949.

“5B. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.”

Mah.
XXIII
of
2001.

Person
contesting
election
for
reserved
seat to
submit
Caste
Certificate
and
Validity
Certificate.

5. In section 10 of the Provincial Corporations Act, sub-sections (1B) and (1C) shall be deleted.

Amendment of
section 10 of
Bom. LIX of
1949.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

6. After section 9A of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as “the Nagpur Corporation Act”), the following section shall be inserted, namely :—

C. P.
and
Berar II
of 1950.

Insertion
of section
9AA in
C. P. and
Berar II of
1950.

“9AA. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.”

Mah.
XXIII
of
2001.

Person
contesting
election
for
reserved
seat to
submit
Caste
Certificate
and
Validity
Certificate.

7. In section 15 of the Nagpur Corporation Act, sub-sections (2) and (3) shall be deleted.

Amendment of
section 15 of
C. P. and Berar
II of 1950.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

8. After section 9 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), the following section shall be inserted, namely :—

Mah.
XL of
1965.

Insertion
of section
9A in Mah.
XL of 1965.

Person
contesting
election
for
reserved
seat to
submit
Caste
Certificate
and
Validity
Certificate.

“9A. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.”

Mah.
XXIII
of
2001.

Amendment of
section 16 of
Mah. XL of
1965.

9. In section 16 of the Municipal Councils Act, sub-sections (1B) and (1C) shall be deleted.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, डिसेंबर २९, २००६/पौष ८, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियमन आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2006, (Mah. Act No. XLIX of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XLIX OF 2006

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 29th December 2006).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

(१०४)

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006, on the 27th October 2006;

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:—

Mah.
Ord.
XII of
2006.

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 27th October 2006.

Amendment
of section 5B
of Bom. III
of 1888.

2. To section 5B of the Mumbai Municipal Corporation Act, the following provisos shall be added, namely:—

Bom.
III of
1888.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”

Amendment
of section 5B
of Bom. LIX
of 1949.

3. To section 5B of the Bombay Provincial Municipal Corporations Act, 1949, the following provisos shall be added, namely:—

Bom.
LIX of
1949.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

C.P.
and
Berar
II of
1950.

4. To section 9AA of the City of Nagpur Corporation Act, 1948, the following provisos shall be added, namely:—

Amendment
of section
9AA of C.P.
and Berar II
of 1950.

“ Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

Mah.
XL of
1965.

5. To section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the following provisos shall be added, namely:—

Amendment
of section 9A
of Mah. XL
of 1965.

“ Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

Repeal of
Mah. Ord.
XII of 2006
and saving.

6. (1) The Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006, is hereby repealed.

Mah.
Ord.
XII of
2006.

(2) Notwithstanding such repeal, anything done or any action taken under the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant Act, as amended by this Act.

Bom.
III of
1888.
Bom.
LIX of
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL of
1965.



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, एप्रिल १८, २००७/चैत्र २८, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Amendment) Act, 2007 (Mah. XI of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XI OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 18th April 2007).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 2007, on the 27th February 2007 ;

Bom.
III of
1888.
Bom.
LIX of
1949.
C. P.
and
Berar II
of 1950.
Mah. Ord.
II of 2007.

(२७६)

[किंमत : रुपये ९.००]

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and com-
mencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 27th February 2007.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amend-
ment of
section 45 of
Bom. III of
1888.

2. In section 45 of the Mumbai Municipal Corporation Act (herein-
after referred to as "the Mumbai Corporation Act"), in clause (c), in the
proviso,—

Bom.
III of
1888.

(i) for the word "re-elected" the word "re-appointed" shall be
substituted;

(ii) for the word "re-election" the word "re-appointment" shall be
substituted.

Amend-
ment of
section 50 of
Bom. III of
1888.

3. In section 50 of the Mumbai Corporation Act, in sub-section (4), in
clause (c), in the proviso,—

(i) for the word "re-elected" the word "re-appointed" shall be
substituted;

(ii) for the word "re-election" the word "re-appointment" shall be
substituted.

Amend-
ment of
section 50L
of Bom. III of
1888.

4. In section 50L of the Mumbai Corporation Act, in sub-section (2),
for the word "re-election" the word "re-appointment" shall be
substituted.

Amendment
of section
50S of
Bom. III
of 1888.

5. Section 50S of the Mumbai Corporation Act shall be renumbered
as sub-section (1) thereof; and

(a) in sub-section (1) as so re-numbered, for the portion beginning
with the words "shall be made" and ending with the words "holding
such elections:—", the following shall be substituted, namely :—

"shall be made by the Corporation by nominating Councillors in
accordance with the provisions of sub-section (2) :—";

(b) after sub-section (1) as so re-numbered, the following sub-
sections shall be added, namely :—

"(2) In nominating the Councillors on the Committee, the Corpora-
tion shall take into account the relative strength of the recognised
parties or registered parties or groups and nominate members, as
nearly as may be, in proportion to the strength of such parties or groups
in the Corporation, after consulting the Leader of the House, the
Leader of Opposition and the leader of each such party or group :

Provided that, nothing contained in this sub-section be construed as preventing the Corporation from nominating on the Committee any member not belonging to any such party or group :

Mah.
XX of
1987.

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of one month from the date of notification of election results, form the *aghadi* or front and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as if it is a registered pre-poll *aghadi* or front.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final.”.

CHAPTER III

AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Bom.
LIX
of
1949.

6. After section 31 of the Bombay Provincial Municipal Corporations Act, 1949, the following section shall be inserted, namely :—

Insertion of
section 31A
in Bom.
LIX of 1949.

“31A. (1) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, in the case of the following Committees, except where it is provided by this Act, that the appointment of a Councillor to any Committee shall be by virtue of his holding any office, appointment of Councillors to these Committees, whether in regular or casual vacancies, shall be made by the Corporation by nominating Councillors in accordance with the provisions of sub-section (2) :—

Appointment
by nomination
on
Committees
to be by
proportional
representation.

- (a) Standing Committee ;
- (b) Transport Committee ;
- (c) Any special Committee appointed under section 30 ;
- (d) Any *ad hoc* Committee appointed under section 31.

(2) In nominating the Councillors on the Committee, the Corporation shall take into account the relative strength of the recognised parties or registered parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties or groups in the Corporation, after consulting the Leader of the House, the Leader of Opposition and the leader of each such party or group :

Provided that, nothing contained in this sub-section be construed as preventing the Corporation from nominating on the Committee any member not belonging to any such party or group :

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of one month from the date of notification of election results, form the *aghadi* or front and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as if it is a registered pre-poll *aghadi* or front.

Mah.
XX of
1987.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION Act, 1948.

Amendment
of section
34 of C.P.
and Berar
II of 1950.

7. In section 34 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as “the Nagpur Corporation Act”),—

C.P.
and
Berar
II of
1950.

(1) in sub-section (1), for the word “elect” the word “appoint” shall be substituted ;

(2) in sub-section (2), for the word “re-election” the word “re-appointment” shall be substituted ;

(3) in the marginal note, for the word “Election” the word “Appointment” shall be substituted.

Amendment
of section
36 of C.P.
and Berar
II of 1950.

8. In section 36 of the Nagpur Corporation Act, for the word “re-election” the word “re-appointment” shall be substituted.

Amendment
of section
37 of C.P.
and Berar
II of 1950.

9. In section 37 of the Nagpur Corporation Act, —

(1) for the word “elect” the word “appoint” shall be substituted ;

(2) for the word “elected” the word “appointed” shall be substituted.

Amendment
of section
39 of C.P.
and Berar
II of 1950.

10. In section 39 of the Nagpur Corporation Act,—

(1) in sub-section (3), for the word “elect” the word “appoint” shall be substituted ;

(2) in sub-section (4), for the word “elect” the word “appoint” shall be substituted ;

(3) in the marginal note, for the word "election" the word "appointment" shall be substituted.

11. In section 40 of the Nagpur Corporation Act,—

(1) for the word "elect" the word "appoint" shall be substituted ;

(2) in the marginal note, for the word "Election" the word "Appointment" shall be substituted.

Amendment of section 40 of C.P. and Berar II of 1950.

12. After section 40 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 40A in C.P. and Berar II of 1950.

"40A. (1) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, in the case of the following Committees, except where it is provided by this Act, that the appointment of a Councillor to any Committee shall be by virtue of his holding any office, appointment of Councillors to these Committees, whether in regular or casual vacancies, shall be made by the Corporation by nominating Councillors in accordance with the provisions of sub-section (2) :—

Appointment by nomination on Committees to be by proportional representation.

(a) Standing Committee ;

(b) Special Consultative Committees appointed under sections 39 and 40.

(2) In nominating the Councillors on the Committee, the Corporation shall take into account the relative strength of the recognised parties or registered parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties or groups in the Corporation, after consulting the Leader of the House, the Leader of Opposition and the leader of each such party or group :

Provided that, nothing contained in this sub-section be construed as preventing the Corporation from nominating on the Committee any member not belonging to any such party or group :

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of one month from the date of notification of election results, form the *aghadi* or front and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as if it is a registered pre-poll *aghadi* or front.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final."

Repeal of
Mah. Ord.
II of 2007
and saving.

13. (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2007, is hereby repealed.

Mah.
Ord.
II of
2007.

(2) Notwithstanding such repeal, anything done or any action taken under the Mumbai Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 or the Nagpur Corporation Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant Act, as amended by this Act.

Bom.
LIX
of
1949.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार, एप्रिल १९, २००७/चैत्र २९, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation and the Bombay Provincial Municipal Corporations (Temporary Amendment) Act, 2007 (Mah. XII of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XII OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", dated the 19th April 2007).

An Act further to amend the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.

WHEREAS the general elections to the Brihan Mumbai, Thane, Ulhasnagar, Pune, Pimpri-Chinchwad, Solapur, Nashik, Akola, Amravati and Nagpur Municipal Corporations have been held on the 1st February 2007;

AND WHEREAS in order to enable the newly elected bodies of the said Municipal Corporations to take review of the financial position of their respective Corporations and to modify the rates of taxes which such Corporations may impose for the official year 2007-2008, it is expedient to temporarily amend the dates obtaining in the relevant law for the said purposes;

(२८२)

AND WHEREAS it is expedient to temporarily amend the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

Short title
and
application.

1. (1) This Act may be called the Mumbai Municipal Corporation and the Bombay Provincial Municipal Corporations (Temporary Amendment) Act, 2007.

(2) It shall apply to the Municipal Corporations of which the general elections have been held on the 1st February 2007.

Temporary
amendment
of section
128 of Bom.
III of 1888.

2. During the period commencing on the date of coming into force of this Act and ending on the thirtieth day of July 2007, section 128 of the Mumbai Municipal Corporation Act shall have effect as if, in sub-section (1) thereof,—

Bom.
III of
1888.

(i) for the words “twentieth day of March” the words “thirtieth day of July 2007” had been substituted; and

(ii) for the words “in the next ensuing official year” the words “in the official year 2007-2008” had been substituted.

Temporary
amendment
of section 99
of Bom. LIX
of 1949.

3. During the period commencing on the date of coming into force of this Act and ending on the thirtieth day of July 2007, section 99 of the Bombay Provincial Municipal Corporations Act, 1949, shall have effect as if,—

Bom.
LIX of
1949.

(i) for the words “twentieth day of February” the words “thirtieth day of July 2007” had been substituted; and

(ii) for the words “in the next ensuing official year”, at both the places where they occur, the words “in the official year 2007-2008” had been substituted.

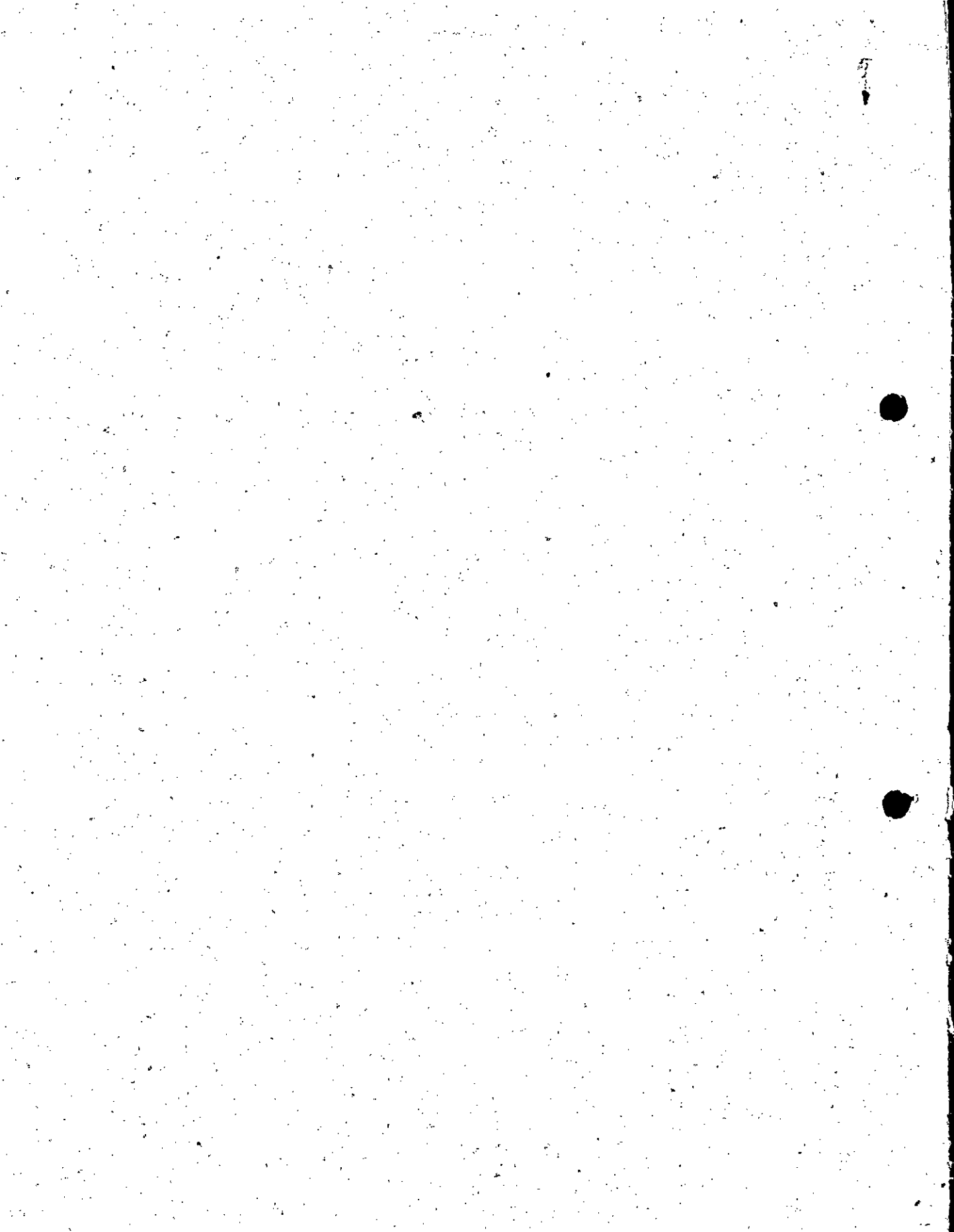
Power to
remove
difficulty.

4. If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949, as they stand amended by this Act, or any rule, by-law or instruments made thereunder, the State Government may, as occasion arises, by order published in the *Official*

Bom. III
of 1888.
Bom.
LIX of
1949.

Gazette, do anything not inconsistent with the provisions of the
Bom. III Mumbai Municipal Corporation Act and the Bombay Provincial
of 1888.
Bom. LIX Municipal Corporations Act, 1949, which appears to it to be necessary
of 1949. or expedient for removing the difficulty :

Provided that, no order shall be issued after expiry of the 31st
July 2007.





महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, मे ४, २००७/वैशाख १४, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2007 (Mah. Act No. XV of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XV OF 2007.

(First published, after having received the assent of the Governor, in the " Maharashtra Government Gazette ", on the 4th May 2007.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III WHEREAS it is expedient further to amend the Mumbai Municipal
of 1888. Corporation Act, the Bombay Provincial Municipal Corporations Act,
Bom. LIX of 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra
1949. Municipal Councils, Nagar Panchayats and Industrial Townships Act,
C.P. and Berar II 1965, for the purposes hereinafter appearing ; it is hereby enacted in
of 1950. the Fifty-eighth Year of the Republic of India as follows :—
Mah. XL of
1965.

Short title
and
commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 27th October 2006.

Amendment
of section
5B of Bom.
III of 1888.

2. In section 5B of the Mumbai Municipal Corporation Act,—

(i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;

(ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.

Bom.
III of
1888.

Amendment
of section
5B of Bom.
LIX of 1949.

3. In section 5B of the Bombay Provincial Municipal Corporations Act, 1949,—

(i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;

(ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.

Bom.
LIX
of
1949.

Amendment
of section
9AA of C.P.
and Berar II
of 1950.

4. In section 9AA of the City of Nagpur Corporation Act, 1948,—

(i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;

(ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.

C.P.
and
Berar
II of
1950.

Amendment
of section
9A of Mah.
XL of 1965.

5. In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965,—

(i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;

(ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.

Mah.
XL of
1965.

Validation
and savings.

6. Notwithstanding anything contained in the second proviso to section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, any Councillor elected to reserved seat and who has not received the validity certificate from the Scrutiny Committee within a period of three months from the date of his election shall continue to hold the office of the Councillor for a further period of one month, as if, the period of three months for submission of the Validity Certificate has been extended by a further period of one month ; and any action taken by such Councillor during the period commencing from the expiry of three months from the date of his election and ending on the date of publication of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2007, shall be deemed to have been validly taken and shall not be challenged in any court of law only on the ground that during the period of three months from the date of his election he had not submitted the validity certificate.

Mah.
XL of
1965.

Mah.
XV of
2007.



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, डिसेंबर २६, २००७/पौष ५, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2007 (Mah. Act No. XXXIII of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIII OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 26th December 2007).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

(५५१)

[किंमत : रुपये ९.००]

**CHAPTER I
PRELIMINARY**

Short title and commencement.

- 1.** (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2007.
(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Insertion of Chapter IV-A in Bom. III of 1888.

- 2.** After section 86 of the Mumbai Municipal Corporation Act, the following Chapter shall be inserted, namely :—

Bom.
III of
1888.

“ CHAPTER IV-A

DISCLOSURE OF SPECIFIED INFORMATION

Disclosure of specified information.

86A. (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information, specified in sub-section (3).

(2) The manner of disclosure of information shall include the publication of the information,—

- (i) in News papers ;
- (ii) on Internet ;
- (iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;
- (iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

- (i) particulars of the Corporation ;
- (ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;
- (iii) a directory of its officers and employees ;
- (iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;
- (v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

(vi) the statement showing each of the services provided by the Corporation ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;

(viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of identification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Bom. LIX of 1949. 3. After section 60 of the Bombay Provincial Municipal Corporations Act, 1949, the following Chapter shall be inserted, namely :—

Insertion of Chapter IV-A in Bom. LIX of 1949.

“ CHAPTER IV-A

DISCLOSURE OF SPECIFIED INFORMATION

60A. (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information specified in sub-section (3).

Disclosure of specified information.

(2) The manner of disclosure of information shall include the publication of the information—

- (i) in News papers ;
- (ii) on Internet ;
- (iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;
- (iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

- (i) particulars of the Corporation ;
- (ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;
- (iii) a directory of its officers and employees ;
- (iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;
- (v) audited financial statements showing Balance sheet, Receipts, and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;
- (vi) the statement showing each of the services provided by the Corporation ;
- (vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;
- (viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of identification of beneficiaries for such programmes ;
- (ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;
- (x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P.
and
Berar
II of
1950.

4. After section 56 of the City of Nagpur Corporation Act, 1948, the following Chapter shall be inserted, namely :—

Insertion of
Chapter
IV-A in C.P.
and Berar II
of 1950.

“ CHAPTER IV-A

DISCLOSURE OF SPECIFIED INFORMATION

56A. (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information specified in sub-section (3).

Disclosure
of specified
informa-
tion.

(2) The manner of disclosure of information shall include the publication of the information-

(i) in News papers ;

(ii) on Internet ;

(iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;

(iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

(i) particulars of the Corporation ;

(ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;

(iii) a directory of its officers and employees ;

(iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;

(v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

(vi) the statement showing each of the services provided by the Corporation ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;

(viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of identification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah.
XL of
1965.

5. After section 87 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following Chapter shall be inserted, namely :—

Insertion of
Chapter VI-A
in Mah. XL
of 1965.

“ CHAPTER VI-A

DISCLOSURE OF SPECIFIED INFORMATION

87A. (1) The Council shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Council to disclose the information, specified in sub-section (3).

Disclosure
of specified
informa-
tion.

(2) The manner of disclosure of information shall include the publication of the information—

(i) in News papers ;

(ii) on Internet ;

(iii) on Notice boards of the Council at its Head Office as well as other offices, if any ;

(iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Council.

(3) The Council shall be required to disclose the following information, namely :—

(i) particulars of the Council ;

(ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Council or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;

(iii) a directory of its officers and employees ;

(iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Council ;

(v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

(vi) the statement showing each of the services provided by the Council ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;

(viii) details of subsidy programmes on major services provided or activities performed by the Council, and manner and criteria of identification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Council and the grants released to the Council ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Council, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, जानेवारी ४, २००८/पौष १४, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2007 (Mah. Act No. II of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. II OF 2008.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 4th January 2008.)

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2007. Short title.

(३)

Insertion of
section
267A in
Bom. LIX of
1949.

2. After section 267 of the Bombay Provincial Municipal Corporations Act, 1949, the following section shall be inserted, namely :—

Bom.
LIX
of
1949.

Levy of
penalty on
unlawful
building.

“267A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Corporation, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder,

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable unders sub-section (1) shall be

determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.”

C.P.
and
Berar
II of
1950.

3. After section 282 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

Insertion of
section
282A in
C. P. and
Berar II of
1950.

“282A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

Levy of
penalty on
unlawful
building.

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Corporation, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder, shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable under sub-section (1) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.”

Insertion of section 189A in Mah. XL of 1965.

Levy of penalty on unlawful building.

4. After section 189 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following section shall be inserted, namely:—

Mah. XL of 1965.

“189A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Council, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder,

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable under sub-section (1) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.”



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, जानेवारी ४, २००८/ पौष १४, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Second Amendment) Act, 2007 (Mah. Act No. III of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. III OF 2008.

[First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 4th January 2008].

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, and the City of Nagpur Corporation Act, 1948.

Bom. III of 1888. Bom LIX of 1949. C.P. and Berar II of 1950. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-Eighth Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY

1. This Act may be called the Maharashtra Municipal Corporations (Second Amendment) Act, 2007. Short title.

(७)

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 16 of Bom. III of 1888. **2.** In section 16 of the Mumbai Municipal Corporation Act (hereinafter referred to as "the Mumbai Corporation Act"), in sub-section (1), after clause (a), the following clause shall be inserted, namely :—

Bom. III of 1888.

"(aa) has been removed from the office under section 18-1A and five years have not elapsed from the date of such removal; or."

Insertion of section 18-1A in Bom. III of 1888.

3. After section 18 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Liability of Councillor to removal from office.

"18-1A. (1) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties or of any disgraceful conduct, during his current term of office or immediately preceding term of office as a Councillor.

(2) No resolution recommending the removal of any Councillor for the purpose of sub-section (1) shall be passed by the Corporation and no order of removal shall be made by the State Government, unless the Councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation or order, as the case may be, should not be made :

Provided that, no order of removal of councillor shall be made by the State Government on its own motion, unless the Corporation is given one month's time for taking necessary action in the matter.

(3) In every case in which the State Government makes an order under sub-section (1), the Councillor shall be disqualified for being a Councillor, or from becoming a Councillor, or a Councillor or a member of any other local authority, for a period of five years from the date of such order, unless the State Government relieves him of the disqualification by an order which it is hereby empowered to make."

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Substitution of section 13 of Bom. LIX of 1949.

4. For section 13 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Provincial Corporations Act"), the following section shall be substituted, namely :—

Bom. LIX of 1949.

Liability of Councillor to removal from office.

"13. (1) (a) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties, or of any disgraceful conduct, during

his current term of office or immediately preceding term of office as a Councillor.

(b) The State Government may, on the recommendation of the Corporation supported by the vote of not less than three-fourths of the whole number of Councillors, remove any councillor from office, if such Councillor has, in the opinion of the State Government, become incapable of performing his duties as a Councillor.

(2) No resolution recommending the removal of a Councillor for the purposes of sub-section (1) shall be passed by a Corporation and no order shall be made by the State Government, unless the Councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation or order, as the case may be, should not be made :

Provided that, no order of removal of councillor shall be made by the State Government on its own motion, unless the Corporation is given one month's time for taking necessary action in the matter.

(3) In every case in which the State Government makes an order under sub-section (1), the Councillor shall be disqualified for being a Councillor, or from becoming a Councillor, or a Councillor or member of any other local authority, for a period of five years from such date as may be specified in such order, unless the State Government relieves him of the disqualification by an order which it is hereby empowered to make.

(4) If any doubt or dispute arises as to the removal and disqualification of a councillor under this section, such Councillor may, and at the request of the Corporation, the Commissioner may, make reference to the Judge."

5. In section 405 of the Provincial Corporation Act, after clause (1), the following clause shall be inserted, namely :—

"(1A) regarding removal and disqualification of a Councillor under section 13 ;".

Amendment
of section
405 of Bom.
LIX of 1949.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P.
and
Berar
II of
1950.

6. After section 19 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

"19A. (1) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties or of any disgraceful conduct, during his current term of office or immediately preceding term of office as a Councillor.

(2) No resolution recommending the removal of any Councillor for the purposes of sub-section (1) shall be passed by the

Insertion of
section 19A
in C.P. and
Berar II of
1950.

Liability of
Councillor to
removal
from office.

Corporation and no order of removal shall be made by the State Government, unless the Councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation or order, as the case may be, should not be made :

Provided that, no order of removal of councillor shall be made by the State Government on its own motion, unless the Corporation is given one month's time for taking necessary action in the matter.

(3) In every case in which the State Government makes an order under sub-section (1), the Councillor shall be disqualified for being a Councillor, or from becoming a Councillor, or a Councillor or member of any other local authority, for a period of five years from the date of such order unless the State Government relieves him of the disqualification by an order which it is hereby empowered to make.

(4) If any doubt or dispute arises as to the removal and disqualification of a Councillor under this section, such Councillor may, and at the request of the Corporation, the Commissioner may, make reference to the District Judge."



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत-प्रकाशन

शुक्रवार, मे २, २००८/वैशाख १२, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2007 (Mah. Act No. XII of 2008.), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XII OF 2008.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 2nd May 2008).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

(४६८)

- Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2007.
- Amendment of section 16 of Bom. III of 1888. 2. In section 16 of the Mumbai Municipal Corporation Act, after sub-section (1D), the following sub-sections shall be inserted, namely :—
- “(1E) If the State Election Commission is satisfied that a person,—
- (a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and
- (b) has no good reason or justification for such failure,
- the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.
- (1F) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1E) or reduce the period of any such disqualification.”
- Amendment of section 10 of Bom. LIX of 1949. 3. In section 10 of the Bombay Provincial Municipal Corporations Act, 1949, after sub-section (1D), the following sub-sections shall be inserted, namely :—
- “(1E) If the State Election Commission is satisfied that a person,—
- (a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and
- (b) has no good reason or justification for such failure,
- the State Election Commission may, by order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.
- (1F) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1E) or reduce the period of any such disqualification.”
- Amendment of section 15 of C.P. and Berar II of 1950. 4. In section 15 of the City of Nagpur Corporation Act, 1948, after sub-section (3), the following sub-section shall be added, namely :—
- “(4) (a) If the State Election Commission is satisfied that a person,—

Bom.
III of
1888.Bom.
LIX of
1949.C.P.
and
Berar
II of
1950.

(i) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(ii) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(b) The State Election Commission may, for reasons to be recorded, remove any disqualification under this sub-section or reduce the period of any such disqualification.”

Mah.
XL of
1965.

5. In section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, after sub-section (1C), the following sub-sections shall be inserted, namely :—

Amendment
of section 16
of Mah. XL
of 1965.

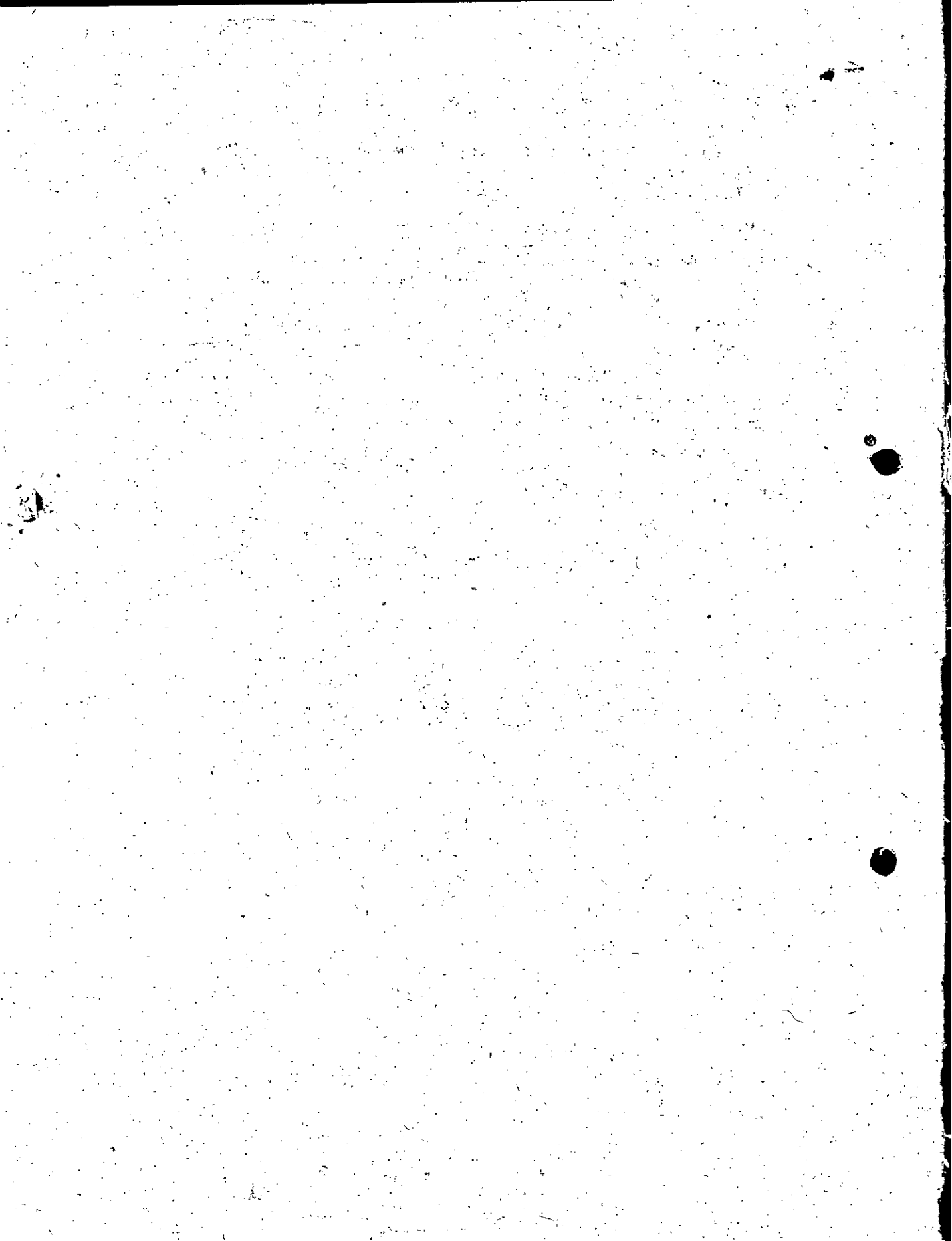
“(1D) If the State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(1E) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1D) or reduce the period of any such disqualification.”





महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, मे २, २००८/वैशाख १२, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2008 (Mah. Act No. XIII of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIII OF 2008.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 2nd May 2008)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporation Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2008.

Short title and commencement.

(४७१)



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

मंगळवार, जानेवारी ६, २००९/पौष १६, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations (Amendment) Act, 2008 (Mah. Act No. IV of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. IV of 2009.

(First Published after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 6th January 2009).

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing ; and, therefore, promulgated the Bombay Provincial Municipal Corporations (Amendment) Ordinance, 2008, on the 3rd October 2008 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows :—

- Short title and commencement. 1. (1) This Act may be called the Bombay Provincial Municipal Corporations (Amendment) Act, 2008.
(2) It shall be deemed to have come into force on the 3rd October 2008.
- Amendment of section 2 of Bom. LIX of 1949. 2. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act"), after clause (70B), the following clause shall be inserted, namely :—
" (70C) " value of the article ", in relation to the goods imported into the city, where " octroi " or " cess " is charged on such goods on *ad valorem* basis, shall mean the value of the article as mentioned in the original invoice, and include the shipping dues, insurance, custom duties, excise duties, counter vailing duty, sales tax (if any), Value Added Tax (VAT), transport charges, vendor freight charges, carrier charges and all other incidental charges ; ”.
- Amendment of section 127 of Bom. LIX of 1949. 3. In section 127 of the principal Act, in sub-section (2), to clause (aa), the following proviso shall be added, namely :—
" Provided that, the State Government may, by notification in the *Official Gazette*, direct the Corporation to levy the cess on the entry of the goods into the City for consumption, use or sale therein, in lieu of octroi ;”.
- Amendment of section 152A of Bom. LIX of 1949. 4. In section 152A of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—
" (1A-1) Notwithstanding anything contained in sub-section (1), but subject to the provisions of the provisos thereof the Corporation shall, when so directed by the State Government by issuing a notification under the proviso to clause (aa) of sub-section (2) of section 127, levy cess on the entry of the goods specified in Schedule A, into the limits of the City for consumption, use or sale therein at the rate not exceeding the maximum rate specified against each of them in column (3) of that Schedule.”.
- Deletion of section 152H of Bom. LIX of 1949. 5. Section 152H of the principal Act shall be deleted.
- Amendment of section 152L of Bom. LIX of 1949. 6. In section 152L of the principal Act, in sub-section (1), in clause (o), the figures and letter " , 152H " shall be deleted.
- Amendment of section 406 of Bom. LIX of 1949. 7. In section 406 of the principal Act,—
(a) in sub-section (2), in clause (c), after the words " any tax " the words " including interest and penalty imposed " shall be inserted ;
(b) after sub-section (5), the following sub-sections shall be added, namely :—
" (6) An appeal against the demand notice in respect of levy of cess under Chapter XIA shall lie, —
(i) to the Deputy Commissioner, when the demand notice is raised by the Cess Officer ;

(ii) to the Commissioner, when the demand notice is raised by the Deputy Commissioner.

(7) The appeal under sub-section (6) shall be filed within fifteen days from the date of the demand notice.”

8. For Schedules “A”, “B” and “C” appended to the principal Act, the following Schedules shall be substituted, namely :—

Substitution
of Schedules
“A”, “B” and
“C” of Bom.
LIX of 1949.

“SCHEDULE ‘A’

(See section 152 A)

Articles liable to payment of cess

Serial No.	Description of Goods	Maximum Rates of cess leviable
(1)	(2)	(3)
<i>Class I.—Articles of food and drink.</i>		
1	Grain, flour, pulses and cereals of all sorts including parched <i>gavar</i> , soyabean, parched grain and paddy.	4%
2	(a) Sugar.	2%
	(b) <i>Gur</i> of all sorts.	2%
3	Wines and spirits and beer.	10%
4	Ghee.	5%
5	Vanaspati and hydrogenated oils.	4%
6	Tea, Coffee and Coffee seeds.	4%
7	Saffron.	7%
8	Edible-bacon and hams, table butter, butter other than table butter, margarine, dried or preserved fruits and nuts excluding fresh fruits and betal nuts, canned fish, cheese, confectionery, jams and jellies, milk condensed and preserved, ice cream, all sorts of farinaceous foods, pickles, cocoa, cocoabeans and chocolates, biscuits and cakes, lard or edible animal fat, <i>mawa</i> , milkcream, <i>chakka</i> , fruitjuices, syrups and all beverages, glucose, dextrose or any fruit sugar, preserved provisions, baking or curry powder, saccharin, all kinds of food colours and essence, glucose of all other kinds, malt extract, honey, papad, potato wafers, meat fresh or preserved for whatever use and all kinds of food or drink not specifically provided for excepting whole milk or toned milk or skimmed milk powder.	7%
9	Dates dry.	6%
10	Dates wet.	4%

SCHEDULE 'A'—contd.

(1)	(2)	(3)
11	Chillies, turmeric, dhania, methi or suva whole or powdered, tamarind seed whole or separated.	3%
12	Poultry, eggs and flesh of poultry.	2%
13	Coconut in shell, separated kernal of coconut and copra.	1%
14	Whole milk, toned milk and skimmed milk powder and curds.	5%
15	Oil seeds of edible oils and edible oils.	4%
	<i>Class II</i> .—Animals.	
16	Sheeps, goats, lambs and kids.	1%
17	Oxen, cows, buffaloes, calves and horses.	1%
18	Pigs.	1%
19	All animals, wild beasts, domestic pets except those to which entries 16, 17 and 18 of this Schedule apply.	10%
20	Animal bones, horns and hooves.	2%
	<i>Class III</i> .—Articles used for Fuel, Lighting, Washing and Industrial use.	
21	Charcoal, coal and coke.	4%
22	Crackers, fireworks and their components, calcium carbide and safety fuses.	7%
23	Chandeliers, globes, chimneys, electric bulbs and articles for electric or gas lighting.	6%
24	Soap of all kinds, boot and metal polish.	4%
25	Potash, <i>ritha</i> , soda, alum, saline substances, <i>shikakai</i> , washing soda, caustic soda, refined salt, patre, phenyle and substances used in washing clothes, floor and utensils.	4%
26	Oil seeds of inedible oils.	4%
27	Inedible vegetables oils.	4%
28	Methylated and denatured spirits and Industrial alcohols.	6%
29	(a) Mineral oils of all sorts, diesel oil, petrol, aviation spirit, all kinds of lubricating oils, white oil, spindle oil, furnance oil, petroleum products including natural gas and liquified petroleum gas, mava oil, sevasol, solvent oil, other fuel oils, oils used as insecticides, natural gasoline, paints solutions and compositions, oils (but nothing hereinbefore contained shall include kerosene)	5%
	(b) Crude oil.	5%
	(c) Grease and petroleum jelly.	5%

SCHEDULE 'A'—contd.

(1)	(2)	(3)
	<i>Class IV.</i> —Articles used in construction of Buildings, Roads and Other structures and Articles made of Wood and Cane.	
30	Cement of all sorts.	4%
31	Coaltars asphalt, bitumen flooring stone, manganese, emery stone or powder, chalk powder, stone chips, Agra stone, stone for building, clinker and coal ash.	4%
32	Glazed bricks, tiles, marble pieces, fire bricks, bricks, all kinds of roofing tiles, flooring tiles, china mosaic chips, mosaic marble, mosaic or terrazo tiles, earthen pipes, china pipes, cement pipes and asbestos cement sheets..	5%
33	Paints, distemper and colour washes used for painting buildings, varnish, boiled linseed oils, turpentine, zinc oxide and red oxide.	5%
34	Yellow earth and earth of any other kind except red earth.	4%
35	Glass, glassware, chinaware, enamelware, all kinds of crockery used for construction or decoration of buildings and sanitary fittings, metal valves, brass cocks and their fittings.	4%
36	Roofing felt.	5%
37	Timber, ballies, cane and articles made of any of them, doors, windows, frames, furniture, pets, staircases, sandal wood and articles made of such wood.	6%
38	Plywood, soft boards, hard boards, masonite or any other kind of wood of whatever composition prepared by artificial process and articles made thereof.	6%
	<i>Class V.</i> —Perfumes, Toilet Requisites, Colours and Household Goods.	
39	(a) Hair oil, perfumed oils, perfumery of all kinds, scents, attars, scented material, aromatic chemicals, toilet incense sticks, toilet requisites of all kinds, shaving cream, shaving sticks, tooth powder, tooth paste, pomade, comb, brushes, looking glasses, hairpins, breeches, garters and suspenders.	5%
	(b) Scissors, razors, safety razors, blades, knives, pen knives, spoons, forks, cutlery of all kinds, needles of all sorts, locks and keys, stoves and petromax and their parts and accessories and hardware articles.	4%

SCHEDULE 'A'—contd.

(1)	(2)	(3)
	(c) Laces, tapes, rings of wood and metal, embroidery articles, celluloid and celluloid articles, beads of all sorts, imitation pearls, articles of imitation jewellery, plastic and plastic goods, plastic powder, bakelite and bakelite goods.	4%
40	(a) Imitation ornaments.	6%
	(b) Toys of all kinds.	4%
41	Crockery of all sorts.	4%
42	Glass and glassware including bangles, bottles, articles of china and porcelain wares and earthen wares (excluding articles used for construction or decoration of buildings).	4%
	<i>Class VI.—Tobacco Requisites.</i>	
43	Cigar and Cigarette holders, smoking pipes, cigarette paper, tobacco cases, pouches, cigarette and cigar cases, <i>hukka</i> and smoking requisites and cigarette lighters.	8%
	<i>Class VII.—Piece goods cotton, yarn and threads of all sorts and starching and sizing materials, leather and articles of leather and rubber goods.</i>	
44	Piece goods of wool, silk linen, hemp, artificial and synthetic materials and articles made up purely or partly of any of the above material not otherwise specified, 100 per cent. cotton fabrics, readymade garments made out of 100 per cent. cotton fabrics; hosiery goods made out of 100 per cent. cotton fabrics, sanitary towels, napkins, disposable baby-diapers, cotton beds and pillows and surgical cotton.	3%
45	Cotton ginned or unginned.	4%
46	Cotton waste, yarn waste and hard waste.	4%
47	Raw or unspun wool, hemp, jute, coconut and other fibres and rope and articles made thereof.	4%
48	Yarn and threads of all sorts.	5%
49	Starches of all sorts, sago, rice and flour, arrowroot tapioca and its flour, tamarind powder, farina starches and sizing materials, tallow, sizing oils and such substitutes.	4%
50	Hides and skins.	4%
51	Leather including harness, saddles, bags, boxes, shoes, <i>chappels</i> , slippers, sandles, straps and all articles made of leather.	4%

SCHEDULE 'A'—contd.

(1)	(2)	(3)
52	Rubber tyres and tubes—	
	(a) Rubber, rubber goods, gatta, purcha and articles made thereof (wholly or partly), rubber solution and latex.	4%
	(b) Raw rubber.	4%
	<i>Class VIII.</i> —Metals and articles made of metals.	
53	Iron and Steel—	
	(a) Pig iron,	4%
	(b) Blooms, billets and slabs,	4%
	(c) <i>Structural</i> —	4%
	(i) joints, (ii) channels, (iii) angles, equal or unequal, (iv) bulbs or toes, (v) light rails, (vi) fish plate for light rails, (vii) shell, steel ingots, blooms, billets and bars, (viii) black or galvanized sheets, plain or corrugated, (ix) plates, ordinary mild steel including boiler and high tensile ship building or bullet proof, (x) bars and rods, (xi) bolts, nuts, washers, rivets and such other articles, (xii) wire barbed, telegraph or other kind of black galvanized, (xiii) wire nails, (xiv) spring steel, vehicular or flat bars, (xv) hoops and strips, and (xvi) pipes.	
54	Iron and steel-scrap.	4%
55	Iron and steel-any other articles manufactured from iron or steel other than cutlery, hardware and machines or machine parts not specifically provided for.	4%
56	Machinery and their components and spares—	
	(a) (i) Electric machinery for generation, transmission and distribution and motors and generators and their components and spares,	4%
	(ii) Electric goods including cells, batteries and copper strips, horn electric,	4%
	(iii) Electric fittings and material,	4%
	(iv) Electrical domestic appliances,	4%
	(v) Electrical machinery of all kinds, control sets, switch-gear, generators, alternators and dynamos, motors, transformers and turbo generating sets.	4%
	(b) Agricultural machinery and parts.	4%
	(c) Oil engines, diesel engines, steam engines, petrol and gas engines and machines worked by hydraulic pressure and their parts.	4%

SCHEDULE 'A'—contd.

(1)	(2)	(3)
	(d) Tools of all kinds.	4%
	(e) Printing press machines and spares.	4%
	(f) Any other machinery, its components and spares not specifically provided for.	4%
57	Vehicles-	
	(a) Motor cars, motor cycles, chassis and lorries.	5%
	(b) Bicycles, perambulators, carriages, all kinds of vehicles and their components and spares.	4%
58	Instruments, apparatus, appliances and parts thereof—	
	(a) Sewing machines, clocks and watches and typewriters and their spares.	4%
	(b) Radio, radiograms, television set or apparatus, loud-speakers and gramophones, amplifiers, wireless goods, video cassette recorders, video cassette players, all kinds of electronics goods, their components and spares.	5%
	(c) Photographic machinery, photo goods and materials including photographic chemicals, films and mounts and their components and spares.	5%
	(d) Cine projection machinery, their components, spares, and materials, used therein.	5%
	(e) Surveying apparatus.	5%
	(f) Scientific appliances.	5%
	(g) Optical goods, their spares and accessories, surgical instruments and hospital requirements including their spares and accessories.	5%
	(h) Mill and gin stores including crucibles, cotton ropes and spares.	4%
	(i) All kinds of apparatus, appliances and spares	4%
59	Non-ferrous metals that is to say brass, copper, tin, aluminium, lead, zinc, germansilver, stainless steel, their alloys, wire-wares and sheets, ingots and circles, etc.	4%
	IX.—Miscellaneous Class.	
60	Dyes, tans, indigo and all colouring matters including printing paste, inks and industrial paints.	5%
61	Paper-	
	(a) Newsprints.	7%
	(b) Card boards, straw-boards, grey boards and mill-boards.	7%

SCHEDULE 'A'—contd.

(1)	(2)	(3)
	(c) All kinds of paper of whatever composition and thickness.	7%
62	Lac and cork and articles made thereof.	4%
63	Sculptured articles of wood, stone, clay or metal, other articles and earthenwares.	4%
64	Chinaware, porcelainware and electric insulators not otherwise specified.	4%
65	(a) Cinema films, all film raw.	7%
	(b) Cinema films processed and reels.	7%
66	Molasses.	7%
67	Books and periodicals including almanacs, <i>panchangs</i> and time-tables for passanger transport services, catalogues, all publications which publicize goods, services and articles for commercial purposes, race cards, account books, diaries, calendars, office files and documents, answer books (blank or used), tags, weddings cards, greeting cards, invitation cards, post cards, picture-post cards, cards for special occasions, visiting cards, photo albums, stamp albums made of paper, playing cards and newspapers.	3%
68	Cattle-feed including fodder and concentrates meant exclusively for cattle, cotton seeds, oil cakes and feed supplements.	2%
69	<i>Bidi</i> leaves.	2%
70	Firewood, bamboo and articles made of bamboo except toys.	2%
71	Fish, fresh and dry and fish oils.	2%
72	Fresh flowers, fresh vegetables, potatoes, sweet potatoes, elephant's foot (<i>Yam</i>), ginger, onions, garlic, fresh fruits and betel nuts.	1%
73	<i>Pan</i> , <i>tambul</i> , <i>vida</i> or <i>patti</i> , prepared from betel leaves.	2%
74	Plantain leaves, <i>palas</i> leaves, <i>patraval</i> , <i>dron</i> .	1%
75	Salt.	3%
76	Slates and slate pencils, chalk-sticks and crayons, exercise and drawing books, lead pencils, orreries and their parts, fountain pens, ball pens, stylograph pens, propelling pencils and refills.	3%
77	Sugarcane.	2%

SCHEDULE 'A'—concl'd.

(1)	(2)	(3)
78	Water-mineral, medicinal, distilled or demineralised water, water for injection and plain aqua excluding aerated water.	4%
79	Flower seeds, fruit seeds, vegetable seeds, seeds of lucerne and other fodder grass, seeds of the canna, hemp, bulb corns, rhizomes, suckers and tubers (including edible tubers), bud grafts, cuttings, grafts, layers, seedlings and plants.	2%
80	Poultry feed and concentrates exclusively meant for poultry or other birds.	3%
81	Safety matches (excluding matches ordinarily used as fire works).	5%
82	Sports goods, gymnasium goods, marbles, pebbles and musical instruments.	4%
83	Insecticides excluding oils used as insecticides, pesticides, fungicides and weedicides.	4%
84	Ice and dry ice.	3%
85	Fowls of all sorts, ducks and birds.	3%
86	Human hair and animal hair.	5%
87	Mercury.	4%
88	Bee wax, baby berry wax and wax excluding petroleum wax.	3%
89	Brooms.	3%
90	Vitamins.	6%
91	Kerosene.	4%
92	Red earth.	4%
93	Cotton yarn used for handlooms and handloom cotton cloth.	5%
94	All articles other than those specified in the preceding entries of this Schedule.	4%

SCHEDULE 'B'

[See section 152 C (1)]

Articles free from payment of cess

Serial No. (1)	Description of Goods (2)
1	Electricity.
2	Aeroplanes of all kinds including helicopters and components, parts and accessories of any of them.
3	Mica graphite and activated earth.
4	Currency notes and coins.
5	Fertilisers and manures including chemical manures.
6	Silk worm eggs and silk worm cocoons.
7	Life saving drugs and all medicines excluding tooth powder or toothpaste, cosmetics, toilet requisites and soaps, whether used as medicine or otherwise, blood and herbal drugs.

SCHEDULE 'C'

[See section 152 C (2)]

List of goods on which cess shall not be payable to the Corporation

Serial No. (1)	Description (2)
1	<i>Bona-fide</i> personal luggage of passenger arriving by the air, sea, river, rail or road and articles for their private and personal use, which have already been in use at the time of import.
2	Machines worked by manual power for <i>bona-fide</i> use of educational institutions.
3	Camp equipment of Government officers on tour.
4	Necessary (not being articles of food and drink) equipments and clothing procured by the officers in command of troops for the direct and exclusive use of their men and camp followers, if and when accompanied at the time they enter the cess limits by a certificate of the officer commanding that they are so intended.
5	Goods entering the cess limits either in exhibition train itself, or for being placed in any exhibition to be held in the cess limits but not for sale; in the latter case on the production of certificate to that effect from the Secretary or the Manager managing the said exhibition.
6	<i>Bona-fide</i> commercial samples meant for free distribution and not meant for transfer or sale so certified by the importer.
7	Goods imported by rail, sea or air and rebooked and exported without being removed from the premises of the railway, docks, <i>bunders</i> , wharfs and airports.
8	Goods imported in accordance with the orders of a Court of law in connection with its official use.
9	Used furniture, tents, <i>chholddaries</i> , crockery, utensils, lamps, ballies, hired for parties, marriage ceremonies and public functions outside the cess limits which were so taken outside with the written permission of a Cess Authority and which are accompanied by the said written permission, while re-entering the cess limits.
10	Machinery, instruments and other articles and their components parts which were taken outside the cess limits for the purposes of repairs or processing, if

SCHEDULE 'C'—contd.

(1)	(2)
	imported with the written permission of a Cess Authority and are accompanied by the said written permission, while re-entering the cess limits.
11	Free gifts of any goods received as aid or relief supplied from any foreign Government or its recognized agency operating in India. <i>Explanation I.</i> —For the purpose of this entry, “recognized agency” means an agency specified as such by the State Government, by an order published in the <i>Official Gazette</i> . <i>Explanation II.</i> —If any doubt arises as to whether any particular gift is eligible for exemption under this entry or not, the matter shall be referred to the State Government, whose decision shall be final.
12	All contraceptives, drugs or appliances used for Family Planning purposes.
13	(i) Cotton, hand spun yarn and <i>Khadi</i> cloth. (ii) Woollen hand spun yarn and hand woven cloth, including <i>Ghongadis</i> . (iii) Hand spun and reeled silk yarn and hand woven silk cloth, including <i>tassar</i> yarn and cloth. (iv) Village industries products. <i>Explanation.</i> —The exemption from payment of cess under this entry shall be given subject to the condition that the goods are certified by the Maharashtra State Khadi and Village Industries Board, or the Khadi and Village Industries Commission.
14	Empty Treasure Boxes supplied by the Reserve Bank of India to its Agency Banks for packing the Government Treasure for dispatch to Agency Banks or to the Head Office of the Bank.
15	Concessional quality white printing paper supplied by the Government of India.
16	Locally manufactured articles consigned from within the limit of the City but returned to the consigner within six months from the date of their export on account of the refusal of the consignee to accept the same either wholly or partly subject to the furnishing of adequate documentary evidence.

SCHEDULE 'C'—concl'd.

- | (1) | (2) |
|-----|---|
| 17 | <ul style="list-style-type: none"> (i) Flat plate solar collectors. (ii) Concentrating and pipe type solar collectors. (iii) Solar cookers. (iv) Solar waterheaters and systems. (v) Air/gas/fluid heating systems. (vi) Solar crop driers and systems. (vii) Solar stills and desalination systems. (viii) Solar pumps based on solar thermal and solar photovoltaic conversion. (ix) Solar power generating systems. (x) Solar photovoltaics modules and panels for water pumping and other applications. (xi) Wind mills and any specially designed devices which run on wind mills. (xii) Any special devices including electric generators and pumps running on wind energy. (xiii) Biogas plants and biogas engines. (xiv) Agricultural and municipal waste conversion devices producing energy. (xv) Equipments for utilizing ocean waves and thermal energy. |
| 18 | Films imported by educational institutions recognized by the Government for the purpose of free education to students. |
| 19 | <i>Bona-fide</i> luggage and kit belonging to a travelling circus, or to a travelling company, performing Dramas, <i>Lok Natyas</i> or <i>Tamashas</i> and which is to be used for the performance of the Dramas, <i>Lok Natyas</i> or <i>Tamashas</i> , as the case may be. |
| 20 | <ul style="list-style-type: none"> (a) Bread (Handmade); (b) <i>Ganesh</i> idols made of either clay or plaster of paris, brought at the time of <i>Ganesh Chaturthi</i>." |

Repeal
of
Mah.
Ord.
VII of
2008
and
saving.

9. (1) The Bombay Provincial Municipal Corporations (Amendment) Ordinance, 2008, is hereby repealed.

Mah.
Ord. VII
of 2008.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, जानेवारी १४, २००९/पौष २४, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Fifth Amendment) Act, 2008 (Mah. Act No. VI of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,

Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VI OF 2009.

(First published after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 14th January 2009).

An act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

Bom III of 1888.
Bom LIX of 1949.
C.P. and Berar II of 1950.
Mah. XL of 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:—

(४२)

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Fifth Amendment) Act, 2008.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of section 353B in Bom.III of 1888. Structural Stability Certificate. 2. After section 353A of the Mumbai Municipal Corporation Act (hereinafter referred to as "the Mumbai Corporation Act"), the following section shall be inserted, namely:—

Bom. III of 1888.

"**353B.** (1) Every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(i) issue of its completion certificate by the Corporation; or

(ii) issue of permission to occupy a building under section 353A; or

(iii) its physical occupation of at least 50 per cent. of its builtup area,

whichever is earlier, has expired, shall cause such building to be examined by a Structural Engineer registered with the Corporation for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as "the Structural Stability Certificate"). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Commissioner.

(2) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (1), and every ten years thereafter or such earlier period as the Commissioner may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(3) Notwithstanding anything contained in sub-section (1), the Commissioner may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Commissioner, the Structural Stability Certificate, as required under sub-section (1), within

the period not exceeding thirty days as specified by the Commissioner, in such direction.

(4) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Commissioner.

(5) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine as provided in section 471.

(6) Notwithstanding anything contained in sub-section (5), the Commissioner may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice, the Commissioner may carry out the same and the expenses incurred by the Commissioner on such repairs shall, on demand if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(7) If there is any dispute about the amount of expenses for which demand is made under sub-section (6), an appeal may be preferred to the Chief Judge of the Small Causes Court, but no such appeal shall be entertained by the said Chief Judge, unless—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(8) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”

Amendment of section 471 of Bom. III of 1888. **3.** In the Table to section 471 of the Mumbai Corporation Act, after entry 85, the following entry shall be inserted, namely:—

“ 85A 353B	Provisions as to Structural Stability Certificate	Twenty-five thousand rupees or the amount equal to property tax of the building, for a period of one year, whichever is higher	Twenty-five thousand rupees or the amount equal to property tax of the building for a period of one year, whichever is higher”.
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CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Insertion of section 265A in Bom. LIX of 1949. **4.** After section 265 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the Provincial Corporations Act”), the following section shall be inserted, namely:—

Bom.
LIX of
1949.

Structural
Stability
Certificate.

“**265A.** (1) Notwithstanding anything contained in section 265, every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(i) issue of its completion certificate by the Corporation; or

(ii) issue of permission to occupy a building under section 263; or

(iii) its physical occupation of at least 50 per cent. of its builtup area,

whichever is earlier; has expired, shall cause such building to be examined by a Structural Engineer registered with the Corporation for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as “the Structural Stability Certificate”). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Commissioner.

(2) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (1), and every ten years thereafter or such earlier period as the

Commissioner may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(3) Notwithstanding anything contained in sub-section (1), the Commissioner may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Commissioner, the Structural Stability Certificate, as required under sub-section (1), within the period not exceeding thirty days as specified by the Commissioner in such direction.

(4) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Commissioner.

(5) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine as provided in section 398A.

(6) Notwithstanding anything contained in sub-section (5), the Commissioner may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice, the Commissioner may carry out the same and the expenses incurred by the Commissioner on such repairs shall, on demand, if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(7) If there is any dispute about the amount of expenses for which demand is made under sub-section (6), an appeal may be preferred to the Judge, before whom an appeal may be filed under section 406 of this Act, but no such appeal shall be entertained by the such Judge, unless—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy

of the receipt showing that the amount has been so deposited accompanies the appeal.

(8) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”

Insertion of section 398A in Bom. LIX of 1949.

5. After section 398 of the Provincial Corporations Act, the following section shall be inserted, namely:—

Penalty for contravention of section 265A.

“398A. Whoever contravenes the provisions of section 265A, shall be punished with fine of twenty-five thousand rupees or an amount equal to the property tax of the building concerned for a period of one year, whichever is higher.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Insertion of section 286A in C.P. and Berar II of 1950.

6. After section 286 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as “the Nagpur Corporation Act”), the following section shall be inserted, namely:—

C.P. and Berar II of 1950.

Structural Stability Certificate.

“286A. (1) Every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(i) issue of its completion certificate by the Corporation; or

(ii) issue of permission to occupy a building under section 280; or

(iii) its physical occupation of at least 50 per cent. of its builtup area,

whichever is earlier, has expired, shall cause such building to be examined by a Structural Engineer registered with the Corporation for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as “the Structural Stability Certificate”). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Commissioner.

(2) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (1), and every ten years thereafter or such earlier period as the Commissioner may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(3) Notwithstanding anything contained in sub-section (1), the Commissioner may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Commissioner, the Structural Stability Certificate, as required under sub-section (1), within the period not exceeding thirty days as specified by the Commissioner in such direction.

(4) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Commissioner.

(5) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine as provided in sub-section (2) of section 421.

(6) Notwithstanding anything contained in sub-section (5); the Commissioner may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice the Commissioner may carry out the same and the expenses incurred by the Commissioner on such repairs shall, on demand if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(7) If there is any dispute about the amount of expenses for which demand is made under sub-section (6), an appeal may be preferred to the District Court, but no such appeal shall be entertained by the said Court, unless—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand.

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(8) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”

Amendment of section 421 of C.P. and Berar II of 1950. 7. In section 421 of the Nagpur Corporation Act, in sub-section (2), in the Table after entry relating to section 280, sub-section (4), the following entry shall be inserted, namely:—

“ 286A Provisions as to Structural Stability Certificate	Twenty thousand rupees or the amount equal to property tax of the building for a period of one year, whichever is higher.
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CHAPTER V

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Insertion of section 193A in Mah. XL of 1965. 8. After section 193 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following section shall be inserted, namely:—

Structural Stability Certificate. “ 193A. (1) Every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(i) issue of its completion certificate by the Council; or

(ii) issue of permission to occupy a building under section 193; or

(iii) its physical occupation of at least 50 per cent. of its built up area,

Mah. XL of 1965.

whichever is earlier, has expired, shall cause such building to be examined by a Structural Engineer registered with the Council for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as "the Structural Stability Certificate"). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Chief Officer.

(2) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (1), and every ten years thereafter or such earlier period as the Chief Officer may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(3) Notwithstanding anything contained in sub-section (1), the Chief Officer may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Chief Officer, the Structural Stability Certificate, as required under sub-section (1), within the period not exceeding thirty days as specified by the Chief Officer in such direction.

(4) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Chief Officer.

(5) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine of rupees ten thousand or an amount equal to the property tax of the building for a period of one year, whichever is higher.

(6) Notwithstanding anything contained in sub-section (5), the Chief Officer may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified, in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice, the Chief Officer may carry

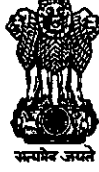
out the same and the expenses incurred by the Chief Officer on such repairs shall, on demand, if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(7) If there is any dispute about the amount of expenses for which demand is made under sub-section (6), an appeal may be preferred by the owner to the Property Tax Appeal Committee constituted under sub-section (2) of section 169 of this Act, but no such appeal shall be entertained by the said Committee, unless—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand;

(ii) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(8) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, फेब्रुवारी १३, २००९/माघ २४, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

ERRATA

In the English translation of the Maharashtra Municipal Corporations and Municipal Councils (Fifth Amendment) Act, 2008 (Mah.VI of 2009), published in the *Maharashtra Government Gazette*, Extraordinary, Part VIII, dated the 14th January 2009, at pages 42-51,—

- (i) on page 48, in line 29, for "(5);" read "(5).";
- (ii) on page 49, in line 18, for "Twenty" read "Twenty-five";
- (iii) on page 50, in line 35, for "ten thousand" read "twenty-five thousand".

(६१)

भाग आठ-१७

[किंमत : रुपये २०.००]

शासकीय मध्यवर्ती मुद्रणालय, मुंबई.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, जानेवारी १४, २००९/पौष २४, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Sixth Amendment) Act, 2008 (Mah. VII of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VII OF 2009.

(First published after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 14th January 2009).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.
Mah. XL
of 1965.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows :—

(५२)

CHAPTER I

PRELIMINARY

Short title
and
commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Sixth Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section 37
of Bom. III of
1888.

2. In section 37 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as " the Mumbai Corporation Act "), after sub-section (2), the following sub-section shall be inserted, namely :—

Bom.
III of
1888.

"(2A) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."

Mah.
XXIII
of
2001.

Insertion of
section 200A
in Bom. III of
1888.

3. After section 200 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Rebate in
respect of
advance
payment of
tax.

"200A. Notwithstanding anything contained in this Act, the Corporation may, by general or special order give such rebate in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property."

Insertion of
section 216A
in Bom. III of
1888.

4. After section 216 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Power of
Corporation
to grant
rebate for
payment of
arrears of
tax.

"216A. Notwithstanding anything contained in section 216 or any other provisions of this Act, the Corporation may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Corporation."

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL
MUNICIPAL CORPORATIONS ACT, 1949

Bom. LIX of 1949. 5. In section 4 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Municipal Corporations Act"), in sub-section (1), for clause (BA), the following clauses shall be substituted, namely :—

"(BA) a Wards Committee ;

(BB) a Mayor ; and "

Amendment of section 4 of Bom. LIX of 1949.

6. In section 19 of the Provincial Municipal Corporations Act, after sub-section (1A), the following sub-section shall be inserted, namely :—

"(1B) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."

Amendment of section 19 of Bom. LIX of 1949.

Mah. XXIII of 2001.

7. After section 140 of the Provincial Municipal Corporations Act, the following sections shall be inserted, namely :—

Insertion of sections 140A and 140B in Bom. LIX of 1949.

"140A. Notwithstanding anything contained in this Act, the Corporation may, by general or special order give such rebate in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

Rebate in property tax for advance payment.

140B. Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme as may be identified for the purposes of this section, by the State Government or the Corporation is being implemented, shall be given at such rate as the Corporation may, by general or special order determine and different rates of rebate or remission may be specified having regard to the nature and extent of the measures adopted for implementation of ecologically beneficial scheme.

Rebate or remission in property tax for implementing ecologically beneficial scheme.

Explanation.—For the purposes of this section "ecologically beneficial scheme" includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction or the like, as the Corporation or the State Government may identify."

Insertion of section 152-1A in Bom. III of 1888.

8. After section 152 of the Bombay Provincial Municipal Corporations Act, 1949, the following sections shall be inserted, namely :—

Power of Corporation to grant rebate for payment of arrears of tax.

“ 152-1A. Notwithstanding anything contained in section 152 or any other provisions of this Act, the Corporation may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Corporation.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Amendment of section 6 of C.P. and Berar II of 1950.

9. In section 6 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as “ the Nagpur Corporation Act ”), after clause (b), the following clause shall be inserted, namely :—

“ (b-1) a Wards Committee ; ”

C.P. and Berar II of 1950.

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

10. In section 20 of the Nagpur Corporation Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“ (2A) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.”

Mah. XXIII of 2001.

Substitution of section 118 of C.P. and Berar II of 1950.

11. For section 118 of the Nagpur Corporation Act, the following sections shall be substituted, namely :—

“ 118. Notwithstanding anything contained in this Act, the Corporation may, by general or special order, give such rebate, in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

Rebate or remission in property tax for implementing ecologically beneficial scheme.

118A. Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme, as may be identified for the purposes of this section, by the State Government or the Corporation, is being implemented, shall be given at such rate as the Corporation may, by general order or special order, determine and different rates of rebate or remission may be specified having

regard to the nature and extent of the measures adopted for implementation of the ecologically beneficial scheme.

Explanation.—For the purposes of this section, “ecologically beneficial scheme” includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction, or the like, as the Corporation or the State Government may identify.”

12. After section 167 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 167A in C.P. and Berar II of 1950.

“ 167A. Notwithstanding anything contained in section 167 or any other provisions of this Act, the Corporation may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the Schedule of payment fixed by the Corporation .”

Power of Corporation to grant rebate for payment of arrears of tax.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. 13. In section 9 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), in sub-section (1), in clause (b), for the word “Council” the word “Collector” shall be substituted.

Amendment of section 9 of Mah. XL of 1965.

14. After section 51-1A of the Municipal Councils Act, the following section shall be inserted, namely :—

Insertion of section 51-1B in Mah. XL of 1965.

“ 51-1B. Every person desirous of contesting election to the office of the President reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.”

Person contesting election for reserved office of President to submit Caste Certificate and Validity Certificate.

Insertion of sections 127A and 127B in Mah. XL of 1965.

15. After section 127 of the Municipal Councils Act, the following sections shall be inserted, namely :—

Rebate in property tax for advance payment.

“127A. Notwithstanding anything contained in this Act, the Council may, by general or special order, give such rebate, in the payment of property tax, as the Council may from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

Rebate or remission in property tax for implementing ecologically beneficial scheme.

127B. Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme, as may be identified for the purposes of this section, by the State Government or the Council, is being implemented, shall be given at such rate as the Council may, by general or special order, determine and different rates of rebate or remission may be specified having regard to the nature and extent of the measures adopted for implementation of the ecologically beneficial scheme.

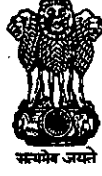
Explanation.—For the purposes of this section “ecologically beneficial scheme” includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction, or the like, as the Council or the State Government may identify.”.

Insertion of sections 167A in Mah. XL of 1965.

16. After section 167 of the Municipal Councils Act, the following sections shall be inserted, namely :—

Power of Council to grant rebate for payment of arrears of tax.

“167A. Notwithstanding anything contained in section 167 or any other provisions of this Act, the Council may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Council.”.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार, फेब्रुवारी १२, २००९/माघ २३, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

ERRATA

In the English translation of the Maharashtra Municipal Corporations and Municipal Councils (Sixth Amendment) Act, 2008 (Mah.VII of 2009), published in the *Maharashtra Government Gazette*, Extraordinary, Part VIII, dated the 14th January 2009, at pages 52-57,—

on page 55,—

(i) in line 1 and 2, for "Bombay Provincial Municipal Corporations Act, 1949" read "Provincial Municipal Corporations Act";

(ii) in line 4 and 5, in the margin, for "Bom. III of 1888" read "Bom.LIX of 1949";

(iii) in line 30, for "be" read "by".

(६०)

भाग आठ—१६

[किंमत : रुपये २०.००]

शासकीय मध्यवर्ती मुद्रणालय, मुंबई.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक २६(३) शुक्रवार, जुलै ३, २००९/आषाढ १२, शके १९३१ [पृष्ठे १२, किंमत : रुपये २०.००]

असाधारण क्रमांक ५३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2009 (Mah. Act No. XXI of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXI OF 2009

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 3rd July 2009)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

Bom. III of 1888.
Bom. LIX of 1949.
C.P. and Berar II of 1950.
Mah. XL of 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixtieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2009.

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

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section 3
of Bom. III
of 1888.

2. In section 3 of the Mumbai Municipal Corporation Act (hereinafter referred to as "the Mumbai Corporation Act"), after clause (tt), the following clauses shall be added; namely:—

Bom.
III of
1888.

"(uu) " area ", in relation to the Area Sabha, means an area determined under section 50TU ;

"(vv) " Area Sabha " means the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area ;

"(ww) " Chairperson of Area Sabha " means the Councillor of the concerned electoral ward ;

"(xx) " Secretary of Area Sabha " means the Secretary of the Area Sabha appointed as such by the Corporation from amongst its officers not below the rank of Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees. "

Insertion of
new
sections
50TU to
50TX in
Bom. III of
1888.

3. After section 50TT of the Mumbai Corporation Act, the following sections shall be inserted, namely:—

Determination
of areas.

" 50TU. The State Government shall, by order published in the *Official Gazette*, determine,—

(a) the areas into which each electoral ward of the Corporation may be divided; and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

Meetings of
Area Sabha.

50TV. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of Area Sabha :

Provided that, a period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon a reference being made by the Commissioner, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Corporation ;

(b) obtain information from the Corporation or any of its offices regarding the action taken by the Corporation or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

50TW. An Area Sabha may, having regard to its actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

Functions
and duties
of Area
Sabha.

(i) to suggest the priority of schemes and development programmes to be implemented in the area of the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or the Corporation, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, roads and street lighting arrangements in the area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

Rights and
powers of
Area Sabha.

50TX. An Area Sabha may, subject to the procedure prescribed in this behalf, exercise the following rights and powers, namely :—

(i) to get information from the concerned officials of the Corporation as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Corporation including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area.”

Amendment
of section
50TT of
Bom. III of
1888.

4. In section 50TT of the Mumbai Corporation Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

“(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people’s participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment
of section 2
of Bom. LIX
of 1949.

5. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the Provincial Corporations Act”),—

Bom.
LIX of
1949.

(i) after clause (2A), the following clauses shall be inserted, namely :—

“(2A-1) “area”, in relation to the Area Sabha, means an area determined under section 29B ;

(2A-2) “Area Sabha” means the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area ;” ;

(ii) after clause (7), the following clause shall be inserted, namely :—

“(7A) “Chairperson of Area Sabha” means the Councillor of the concerned electoral ward ;”;

(iii) after clause (59C), the following clause shall be inserted, namely :—

“(59D) “Secretary of Area Sabha” means the Secretary of the Area Sabha appointed as such by the Corporation from amongst its officers not below the rank of the Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees ;”.

6. In section 29A of the Provincial Corporations Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

Amendment of section 29A of Bom. LIX of 1949.

“(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward.”.

7. After section 29A of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Insertion of sections 29B to 29E in Bom. LIX of 1949.

“29B. The State Government shall, by order published in the *Official Gazette*, determine,—

Determination of areas.

(a) the areas into which each electoral ward may be divided ; and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

29C. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall, thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of Area Sabha :

Meetings of Area Sabha.

Provided that, the period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon a reference being made by the Commissioner, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Corporation ;

(b) obtain information from the Corporation or any of its offices regarding the action taken by the Corporation or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

Functions
and duties
of Area
Sabha.

29D. An Area Sabha may, having regard to the actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

(i) to suggest the priority of schemes and development programmes to be implemented in the area of the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or the Corporation, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, roads and street lighting arrangements in the area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

Rights and
powers of
Area Sabha.

29E. An Area Sabha may, subject to the procedure that may be prescribed in this behalf, exercise the following rights and powers, namely :—

(i) to get information from the concerned officials of the Corporation as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Corporation including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C. P.
and
Berar
II of
1950.

8. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as “the Nagpur Corporation Act”),—

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

(i) after clause (1), the following clauses shall be inserted, namely :—

“(1-1A) “area”, in relation to the Area Sabha, means an area as determined under section 38B ;

(1-1B) “Area Sabha” means the body of all the persons registered in the electoral rolls pertaining to all polling booths in that area ;” ;

(ii) after clause (8), the following clause shall be inserted, namely :—

“(8A) “Chairperson of Area Sabha” means the Councillor of the concerned electoral ward ;” ;

(iii) after clause (45), the following clause shall be inserted, namely :—

“(45A) “Secretary of Area Sabha” means the Secretary of the Area Sabha appointed as such by the Corporation from amongst its officers not below the rank of the Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees ;”.

9. In section 38A of the Nagpur Corporation Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

Amendment
of section 38A
of C. P. and
Berar II of
1950.

“(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people’s participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward.”

Insertion of
new sections
38B to 38E in
C. P. and Berar
II of 1950.

Determina-
tion of
areas.

10. After section 38A of the Nagpur Corporation Act, the following sections shall be inserted, namely :—

“ 38B. The State Government shall, by order published in the *Official Gazette*, determine, —

(a) the areas into which each electoral ward may be divided ; and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

Meetings of
Area Sabha.

38C. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall, thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of Area Sabha :

Provided that, a period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon a reference being made by the Commissioner, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Corporation ;

(b) obtain information from the Corporation or any of its offices regarding the action taken by the Corporation or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

Functions
and duties
of Area
Sabha.

38D. An Area Sabha may, having regard to its actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

(i) to suggest the priority of schemes and development programmes to be implemented in the area of the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or the Corporation, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units, and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, road and street lighting arrangements in area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

38E. An Area Sabha may, subject to the procedure prescribed in this behalf, exercise the following rights and powers, namely :—

Rights and powers of Area Sabha.

(i) to get information from the concerned officials of the Corporation as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Corporation including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area. ”.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah. XL of 1965.

11. In section 2 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as “ the Municipal Councils Act ”),—

Amendment of section 2 of Mah. XL of 1965.

(i) after clause (I), the following clauses shall be inserted, namely :—

“ (I-1A) “ area ”, in relation to the Area Sabha, means an area determined under section 66B ;

(1-1B) "Area Sabha" means the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area ;";

(ii) after clause (4), the following clause shall be inserted, namely :—

"(4A) "Chairperson of Area Sabha" means the Councillor of the concerned electoral ward ;";

(iii) after clause (46), the following clause shall be inserted, namely :—

"(46A) "Secretary of Area Sabha" means the Secretary of the Area Sabha appointed as such by the Council from amongst its officers not below the rank of the Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees ;".

Amendment
of section
66A of
Mah. XL of
1965.

12. In section 66A of the Municipal Councils Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

"(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the Council, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward."

Insertion of
new
sections
66B to 66E
in Mah. XL
of 1965.

13. After section 66A of the Municipal Councils Act, the following sections shall be inserted, namely :—

Determination
of areas.

"66B. The State Government shall, by order published in the *Official Gazette*, determine,—

(a) the areas into which each electoral ward may be divided ;
and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

Meetings of
Area Sabha.

66C. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall, thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of the Area Sabha :

Provided that, a period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon reference being made by the Chief Officer, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Council ;

(b) obtain information from the Council or any of its offices regarding the action taken by the Council or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

66D. An Area Sabha may, having regard to the actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

Functions and duties of Area Sabha.

(i) to suggest the priority of schemes and development programmes to be implemented in the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or Council, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, roads and street lighting arrangements in the area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

66E. An Area Sabha may, subject to the procedure prescribed in this behalf, exercise the following rights and powers, namely :—

Rights and powers of Area Sabha.

(i) to get information from the concerned officials of the Council as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Council including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area.”



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक ५३ (३)

गुरुवार, डिसेंबर २४, २००९/पौष ३, शके १९३१

[पृष्ठे ७, किंमत : रुपये २०.००]

असाधारण क्रमांक १०५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations and the Bombay Village Panchayats (Amendment) Act, 2009 (Mah. Act No. XXVII of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,

Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XXVII OF 2009.

[First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 24th December 2009].

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949 and the Bombay Village Panchayats Act, 1958.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Provincial Municipal Corporations Act, 1949 and the Bombay Village Panchayats Act, 1958, for the purposes hereinafter appearing ; and, therefore, promulgated the Bombay Provincial Municipal Corporations and the Bombay Village Panchayats (Amendment) Ordinance, 2009, on the 31st August 2009 ;

Bom. LIX
of 1949.
Bom. III
of 1959.
Mah. Ord.
XXI of
2009.

(१)

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixtieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

- Short title and commencement. 1. (1) This Act may be called the Bombay Provincial Municipal Corporations and the Bombay Village Panchayats (Amendment) Act, 2009.
- (2) It shall be deemed to have come into force on the 31st August 2009.

CHAPTER II

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

- Amendment of section 2 of Bom. LIX of 1949. 2. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"),—
- Bom. LIX of 1949.

(a) in clause (6A), for the words, figures and brackets " but does not include octroi as defined in clause (42)", the following shall be substituted, namely :—

"but does not include Local Body Tax, as defined in clause (31A) or the octroi as defined in clause (42)";

(b) after clause (31), the following clause shall be inserted, namely :—

"(31A) "Local Body Tax" means a tax on the entry of goods into the limits of the City, for consumption, use or sale therein, levied in accordance with the provisions of Chapter XIB, but does not include cess as defined in clause (6A) and octroi as defined in clause (42) ;";

(c) in clause (42), for the words, figure, letter and brackets "but does not include a cess as defined in clause (6A)", the following shall be substituted, namely :—

" but does not include a cess as defined in clause (6A) or Local Body Tax, as defined in clause (31A) ".

- Amendment of section 99 of Bom. LIX of 1949. 3. In section 99 of the Provincial Corporations Act, after the words, figure and brackets " sub-section (2) of the said section " the words, brackets and letters "(excluding Local Body Tax under clause (aaa) thereof)" shall be inserted.

4. After section 99A of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Insertion of sections 99B and 99C in Bom. LIX of 1949.

“99B. The State Government shall, on or before the twentieth day of the February each year, after considering the proposal of the Commissioner in this behalf, and subject to the limitations and conditions prescribed in Chapter XIB, determine the rates and the extent to which the taxes referred to in clause (aaa) of sub-section (2) of section 127, shall be levied, for various categories of goods in the next ensuing official year and notify such rates and extent in the *Official Gazette*.

Determination of categories of goods for Local Body Tax.

99C. In the event it is decided first time to levy Local Body Tax specified in clause (aaa) of sub-section (2) of section 127, if the Local Body Tax can not, by following the provisions of section 99B and the other relevant provisions of this Act, be brought into force on the 1st day of April of any year, then in that case, notwithstanding anything contained in section 99B, the State Government may, by notification in the *Official Gazette*, subject to the limitations and conditions laid down in Chapter XIB and the rules, determine the rates at and the extent to which and the date from which, the Local Body Tax shall be levied; and thereupon, the Local Body Tax shall be levied at the rates, extent and from the date so notified, and all the relevant provisions of this Act shall, so far as may be, apply to the Local Body Tax as if the procedure laid down by section 99B and the other provisions of this Act had been followed.”

Provisions of section 99B not to apply to Local Body Tax to be first levied.

5. In section 127 of the Provincial Corporations Act, in sub-section (2), after clause (aa), the following clause shall be inserted, namely :—

Amendment of section 127 of Bom. LIX of 1949.

“(aaa) Local Body Tax on the entry of the goods into the limits of the City for consumption, use or sale therein, in lieu of octroi or cess, if so directed by the State Government by notification in the *Official Gazette*.”

6. After section 149 of the Provincial Corporations Act, the following section shall be inserted, namely:—

Insertion of section 149A in Bom. LIX of 1949.

Bom. LX of 1958.

“149A. (1) The stamp duty leviable under the Bombay Stamp Act, 1958, on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the City to which the provisions of clause (aaa) of sub-section (2) of section 127 apply (hereinafter in this section referred to as “the notified City”); and executed on and after such date as may be specified by the State Government by notification in the *Official Gazette*, be increased by a surcharge at the rate of one per cent. in the case of sale or gift, on the value of the property so situated and in the case of an instrument of

Additional Stamp duty on certain transfers of immovable properties in municipal areas.

usufructuary mortgage on the amount secured by the instrument as set forth in the instrument and shall be collected accordingly under the said Act.

(2) For the purposes of this section, section 28 of the Bombay Stamp Act, 1958, shall be read and enforced as if it specifically required the particulars therein referred to be set forth separately in respect of,— Bom. LX of 1958.

(a) the property situated in the notified City; and

(b) the property situated in any other area.

(3) The State Government shall, every year, after due appropriation made by law in this behalf, pay to the Corporation of each of the notified City, a grant-in-aid approximately equal to the amount of additional duty realized on account of the surcharge levied under this section in respect of immovable properties situated within the jurisdiction of that Corporation.

(4) The sum of money required to meet the expenditure by the State Government under sub-section (3), shall be charged on the Consolidated Fund of the State.

(5) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this section.

(6) All rules made under this section shall be subject to the condition of previous publication.

(7) Every rule made under this section, shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.”

Insertion of
Chapter
XIB in Bom.
LIX of 1949.

7. After section 152O of the Provincial Corporations Act, the following Chapter and sections shall be inserted, namely:—

“CHAPTER XIB

PROVISIONS RELATING TO LOCAL BODY TAX

Levy of
Local Body
Tax.

152P. Subject to the provisions of this Chapter and the rules, the Corporation, to which the provisions of clause (aaa) of sub-section (2) of section 127 apply, may, for the purposes of this Act, levy and collect Local Body Tax on the entry of goods specified by the State Government by notification in the *Official Gazette*, into the limits of the City, for consumption, use or sale therein, at the rates specified in such notification.

152Q. The State Government may, after considering the proposal of the Commissioner in this behalf, and by notification in the *Official Gazette*, specify various categories of goods on which no Local Body Tax shall be leviable.

Certain goods not liable to Local Body Tax.

152R. The provisions of sections 152B, 152D, 152E, 152F, 152G, 152I, 152J, 152K, 152L, 152M, 152N and 152O of Chapter XIA shall *mutatis mutandis*, apply to levy and collection of Local Body Tax under this Chapter.

Applicability of certain provisions of Chapter XIA.

152S. The Commissioner may, for the purposes of levy, collection and recovery of Local Body Tax under this Act, assess such dealers for such period and in such manner as may be prescribed.

Assessment of Dealers.

152T. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Chapter.

Power of State Government to make rules for the purposes of this Chapter.

(2) All rules made under this section shall be subject to the condition of previous publication.

(3) Every rule made under this section, shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule."

CHAPTER III

AMENDMENTS TO THE BOMBAY VILLAGE PANCHAYATS ACT, 1958.

Bom. 8. In section 3 of the Bombay Village Panchayats Act, 1958 Amendment of section 3 of Bom. III of 1959. III of 1959. (hereinafter, in this Chapter, referred to as "the Village Panchayats Act"),—

(a) after clause (4), the following clause shall be inserted, namely :—

"(5) "Designated Authority" means the authority designated by the State Government for the purpose of levy and collection of the Local Body Tax;"

(b) after clause (11), the following clauses shall be inserted, namely :—

"(11A) "Local Body Tax" means a tax on the entry of goods, into the limits of any village falling within the limits of the notified area within the meaning of clause (11B), for consumption, use or sale therein, levied in accordance with the provisions of section 124A;

(11B) "notified area" means the area, adjacent to the City, notified by the State Government for the purposes of levy of the Local Body Tax, as defined in clause (11A) to which the provisions of clause (aaa) of sub-section (2) of section 127 and other provisions of the Bombay Provincial Municipal Corporations Act, 1949 in respect of levy, assessment and recovery of the Local Body Tax, apply ;"

Bom.
LIX of
1949.

Insertion of
section
124A in
Bom. III of
1959.

9. After section 124 of the Village Panchayats Act, the following section shall be inserted, namely :—

Provisions
relating to
Local Body
Tax.

" 124A. (1) Every *Panchayat* in a notified area shall levy and collect the Local Body Tax on entry of goods for consumption, use or sale in such notified area in accordance with the provisions of this section.

(2) The State Government may, by general or special order, designate any authority, Secretary of the *Panchayat* or any other officer to be the Designated Authority.

(3) It shall be the responsibility of the Designated Authority to levy and collect the Local Body Tax on the entry of the goods into the notified area, for consumption, use or sale therein in accordance with the provisions of Chapter XIB of the Bombay Provincial Municipal Corporations Act, 1949, and the rules made thereunder and to deposit or cause to be deposited into the treasury of the Government, such Local Body Tax.

Bom.
LIX of
1949.

(4) The State Government shall, every year, after due appropriation made by law in this behalf, place in the hands of the Collector to pay to each of the *Panchayats* whose area falls within a notified area, a grant-in-aid approximately equal to the amount of the Local Body Tax collected from the area of that *Panchayat*.

(5) The sum of money required to meet the expenditure by the State Government under sub-section (4), shall be charged on the Consolidated Fund of the State."

CHAPTER IV

MISCELLANEOUS.

Mah. Ord. XXI of 2009. **10. (1)** The Bombay Provincial Municipal Corporations and the Bombay Village Panchayats (Amendment) Ordinance, 2009, is hereby repealed.

Repeal of Mah. Ord. XXI of 2009 and saving.

Bom. LIX of 1949. Bom. III of 1959. **(2)** Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the Bombay Provincial Municipal Corporations Act, 1949 or, as the case may be, the Bombay Village Panchayats Act, 1958, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the said Acts, as amended by this Act.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक १५(३) मंगळवार, एप्रिल २७, २०१०/वैशाख ७, शके १९३२ [पृष्ठे ३३, किंमत : रुपये १९.००]

असाधारण क्रमांक ३५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (Mah. Act No. X of 2010), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. X of 2010.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 27th April 2010)

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) Act, 1979.

Bom. LIX of 1949. C.P. and Berar II of 1950. Mah. XL of 1965. Mah. XLIV of 1975. Mah. XXIX of 1979. WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) Act, 1979, for the purposes hereinafter appearing; it is

hereby enacted in the Sixtieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009.

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

CHAPTER II

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment of heading under sub-title "Property taxes" in Chapter XI of Bom. LIX of 1949.

2. In Chapter XI of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"),—

Bom. LIX of 1949.

(1) in section 128, clause (2) shall be deleted;

(2) under the sub-title "*Property Taxes*", for the heading "*Property taxes leviable*", the following heading shall be substituted, namely :—

"*Property taxes leviable on rateable value or capital value*".

Insertion of section 128A in Bom. LIX of 1949.

3. In Chapter XI of the Provincial Corporations Act, after the heading as so substituted, the following section shall be inserted, namely :—

Property taxes what to consist.

"128A. (1) Property taxes leviable on buildings and lands in the City under this Act shall include water tax, water benefit tax, sewerage tax, sewerage benefit tax, general tax, education cess, street tax and betterment charges.

(2) For the purposes of levy of property taxes, the expression "building" includes a flat, a *gala*, a unit or any portion of the building.

(3) All or any of the property taxes may be imposed on a graduated scale.

(4) Save as otherwise provided in this Act, it shall be lawful for the Corporation to continue to levy all or any of the property taxes on the rateable value of buildings and lands until the Corporation adopts levy of any or all the property taxes on such buildings and lands on the capital value thereof under sub-section (2) of section 129."

4. In section 129 of the Provincial Corporations Act,—

Amendment
of section
129 of
Bom. LIX
of 1949.

(1) for the marginal note, the following marginal note shall be substituted, namely :—

“Property taxes leviable on rateable value, or on capital value, as the case may be, and at what rate.”;

(2) section 129 of the Provincial Corporations Act shall be re-numbered as sub-section (1) thereof; and

(A) in sub-section (1), as so re-numbered,—

(i) for the portion beginning with the words “For the purposes” and ending with the words “taxes which” the words “The following property taxes” shall be substituted;

(ii) in clause (a), after the words “rateable value” the words “or their capital value, as the case may be,” shall be inserted;

(iii) in clause (aa), after the words “rateable value” the words “or their capital value, as the case may be,” shall be inserted;

(iv) in clause (b), after the words “rateable value” the words “or their capital value, as the case may be,” shall be inserted;

(v) in clause (bb), after the words “rateable value” the words “or their capital value, as the case may be,” shall be inserted;

(vi) in clause (c),—

(a) after the words “their rateable value,” where they occur for the first time, the words and figures “or of not less than 0.1 and not more than 1 per centum of their capital value, as the case may be,” shall be inserted;

(b) after the words “their rateable value”, where they occur for the second time, the words and figures “or of not less than 0.01 and not more than 0.2 per centum of their capital value, as the case may be,” shall be inserted;

(vii) after clause (e), the following clause shall be inserted, namely :—

“(f) the betterment charges leviable under Chapter XVI.”;

(viii) the first proviso shall be deleted;

(B) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

“(2) Notwithstanding anything contained in any other provisions of this Act, but save as otherwise provided in the proviso and the *Explanation* to sub-section (1), the Corporation may pass a resolution to adopt levy of property tax on buildings and lands in the City on the basis of capital value of the buildings and lands on and from such date, and at such rates, as the Corporation may determine in accordance with the provisions of section 99 :

Provided that, for the period of five years from the date on which such property tax is levied on capital value, the tax shall not exceed,—

(i) in respect of building used for residential purposes, two times, and

(ii) in respect of building or land used for non-residential purposes, three times,

the amount of the property tax leviable in respect thereof in the year immediately preceding such date :

Provided further that, the property tax levied on the basis of capital value of any buildings or lands, on revision made under sub-rule (3) of rule 7A of the TAXATION RULES in Chapter VIII of Schedule 'D', shall not in any case exceed 40 per centum of the amount of the property tax payable in the year immediately preceding the year of such revision :

Provided also that, for the period of five years commencing from the year of adoption of capital value as the base for levy of property tax under this sub-section, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. meters (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Corporation adopts the capital value as the basis of levy of property tax, the property tax in respect of any taxable building shall be revised after every five years and on each such revision, such amount of property tax, shall not in any case exceed the forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision."

Amendment
of section
133 of Bom.
LIX of 1949.

5. In section 133 of the Provincial Corporations Act,—

(1) in sub-section (1), after the word, brackets and figure "sub-section (2)" the brackets, figure and letter "(2A)" shall be inserted ;

(2) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Where the Corporation has adopted the levy of property tax on capital value of buildings and lands, the capital value of buildings and lands in the City vesting in Government and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the State Government, shall be the book value of such buildings or lands in Government records and such capital value shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in Government in the City materially increases or decreases."

(3) in sub-section (3),—

(a) after the words "rateable value" the words "or on a capital value; as the case may be," shall be inserted;

(b) the words, brackets, figure and letter "or sub-section (2A), as the case may be," shall be added at the end.

6. In section 139 of the Provincial Corporations Act, in sub-section (1), after clause (a), the following clauses shall be inserted, namely :—

Amendment
of section
139 of Bom.
LIX of 1949.

“(a-1) if the premises are held or occupied by a person, who is not the owner and the whereabouts of the owner of the premises cannot be ascertained, from the holder or occupier ; and

(a-2) if the premises are held or developed by a developer or an attorney or any person in whatever capacity such person may be holding the premises and in each of whom the right to sell the same exists or is acquired, from such holder, developer, attorney, or person, as the case may be :

Provided that, such holder, developer, attorney or person shall be liable until the actual sale is effected.”

7. In section 140 of the Provincial Corporations Act,—

Amendment
of section
140 of Bom.
LIX of 1949.

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) Notwithstanding anything contained in sub-section (1), on and from the date of adoption of capital value as the base for levy of property taxes under sub-section (2) of section 129, but subject to the other provisions of this Act, the Commissioner may serve a bill for the amount of property tax on such occupier of the said premises, or, if there are two or more such occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount of tax based on the capital value, due in the same ratio which the capital value, of such portion of the premises of the occupier or occupiers bears to the aggregate amount of the tax based on the capital value, in respect of the said premises.”;

(2) in sub-section (3), the words “ which has remained due for more than one year, or ” shall be deleted.

8. In section 148A of the Provincial Corporations Act, in sub-section (1),—

Amendment
of section
148A of
Bom. LIX of
1949.

(1) for the portion beginning with the words “as the Corporation” and ending with the words “graduated scale.”, the following shall be substituted, namely :—

“or of so many per centum of their capital value, as the case may be, as the Corporation may determine :”;

(2) in the proviso, in clause (c), after the words “rateable value” the words “or a capital value, as the case may be,” shall be inserted.

9. In section 148B of the Provincial Corporations Act, in sub-section (2),—

Amendment
of section
148B of
Bom. LIX
of 1949.

(1) after the words “rateable value” the words “or the capital value, as the case may be,” shall be inserted;

(2) after the word, brackets and figure “sub-section (2)” the words, brackets, figure and letter “or sub-section (2A)” shall be inserted.

Amendment
of section
148C of
Bom. LIX of
1949.

10. In section 148C of the Provincial Corporations Act, in sub-section (1),—

(1) after the words "rateable value" the words "or of so many per centum of their capital value, as the case may be," shall be inserted;

(2) in the proviso, in clause (c), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted.

Amendment
of section
406 of Bom.
LIX of 1949.

11. In section 406 of the Provincial Corporations Act,—

(1) in sub-section (1), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(2) in sub-section (2),—

(a) in clause (b), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted;

(b) in clause (d), for the words "fifteen days" the words "twenty-one days" shall be substituted;

(c) in clause (e), after the words "rateable value", at both the places where they occur, the words "or the capital value, as the case may be," shall be inserted;

(3) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Where the appeal is not filed in accordance with the provisions of clauses (a) to (e) of sub-section (2), it shall be liable to be summarily dismissed."

Amendment
of section
407 of Bom.
LIX of 1949.

12. In section 407 of the Provincial Corporations Act, in clause (a), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted.

Amendment
of section
408 of Bom.
LIX of 1949.

13. In section 408 of the Provincial Corporations Act,—

(a) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(b) for the words and figures "Arbitration Act, 1940" the words and figures "Arbitration and Conciliation Act, 1996" shall be substituted.

X of
1940.
26 of
1996.

Deletion of
section 409
of Bom: LIX
of 1949.

14. Section 409 of the Provincial Corporations Act shall be deleted.

Amendment
of section
410 of Bom.
LIX of 1949.

15. In section 410 of the Provincial Corporations Act, after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

16. In section 411 of the Provincial Corporations Act, in clause (a), for the words "in excess of two thousand rupees" the words "or a capital value, as the case may be," shall be substituted. Amendment of section 411 of Bom. LIX of 1949.
17. In section 412 of the Provincial Corporations Act, the words and figures "and of valuation under section 409" shall be deleted. Amendment of section 412 of Bom. LIX of 1949.
18. In section 413 of the Provincial Corporations Act,—
- (1) in sub-section (1), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted; Amendment of section 413 of Bom. LIX of 1949.
- (2) for sub-section (2), the following sub-section shall be substituted, namely :—
- "(2) Where the decision of the said Judge is not final it shall be lawful for the Commissioner to assess the property tax on the basis of the rateable value or the capital value, as the case may be, determined under rule 7 or 7A of the TAXATION RULES in Chapter VIII of Schedule 'D', from year to year, subject, however, to the provisions of section 406."
19. In section 415 of the Provincial Corporations Act, in sub-section (2),— Amendment of section 415 of Bom. LIX of 1949.
- (a) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;
- (b) for the words "exceeds rupees two thousand" the words "exceeds such amount as the State Government may, by notification in the *Official Gazette*, specify" shall be substituted.
20. In section 481 of the Provincial Corporations Act, in sub-section (1), in clause (d), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted. Amendment of section 481 of Bom. LIX of 1949.
21. In Schedule 'D', to the Provincial Corporations Act, in Chapter VIII, in rule 2 of the TAXATION RULES (hereinafter referred to as the "TAXATION RULES"),— Amendment of rule 2 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.
- (1) in the marginal note, the words "and fees payable for transfer of title" shall be added at the end ;
- (2) in sub-rule (2), the word "Indian" shall be deleted.
22. In rule 4 of the TAXATION RULES, in sub-rule (1), the word "Indian" shall be deleted. Amendment of rule 4 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment
of rule 5 of
Chapter
VIII in
Schedule 'D'
to Bom. LX
of 1949.

23. In rule 5 of the TAXATION RULES,—

(1) in sub-rule (1), after the word "reoccupied," the words "or when there is change of user of part or whole of the building," shall be inserted;

(2) in sub-rule (2), the words "and in the case of change of user of part or whole of the building, from the date of such change of user" shall be added at the end.

Insertion of
rule 7A in
Chapter
VIII in
Schedule 'D'
to Bom. LX
of 1949.

24. After rule 7 of the TAXATION RULES, the following rule shall be inserted, namely :—

Capital
value how
to be
determined.

"7A. (1) In order to fix the capital value of any building or land assessable to a property tax, the Commissioner shall have regard to the value of any building or land as indicated in the Stamp Duty Ready Reckoner for the time being in force as prepared under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, framed under the provisions of the Bombay Stamp Act, 1958, or where the Stamp Duty Ready Reckoner does not indicate value of any properties in any particular area wherein a building or land in respect of which capital value is required to be determined is situate, or in case such Stamp Duty Ready Reckoner does not exist, then the Commissioner may fix the capital value of any building or land, taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely :—

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LX of
1958.

(a) the nature and type of the land and structure of the building;

(b) area of land or carpet area of building ;

(c) user category, that is to say, (i) residential, (ii) commercial (shops or the like), (iii) offices, (iv) hotels (upto 4 stars), (v) hotels (more than 4 stars), (vi) banks, (vii) industries and factories, (viii) school and college building or building used for educational purposes, (ix) malls, and (x) any other building or land not covered by any of the above categories ;

(d) age of the building ; or

(e) such other factors as may be specified by Regulations made under sub-rule (2).

(2) The Commissioner shall, with the approval of the Standing Committee, frame such Regulations as respects the details of categories of building or land and the weightage by multiplication to be assigned to various such categories for the purpose of fixing the capital value under sub-rule (1).

(3) The capital value of any building or land fixed under sub-rule (1) shall be revised every five years :

Provided that, the Commissioner may, for reasons to be recorded in writing, revise the capital value of any building or land any time during the said period of five years and shall accordingly amend the assessment book in relation to such building or land under rule 20.

(4) The provisions of sub-rules (2), (3) and (4) of rule 7 shall *mutatis mutandis* apply for fixing the capital value also."

25. In rule 8 of the TAXATION RULES, in sub-rule (1),—

(1) for the word "value", at both the places where it occurs, the words "rateable value or the capital value, as the case may be," shall be substituted ;

(2) after clause (c), the following clause shall be added, namely :—

"(d) as to the details in respect of any or all the items as enumerated in clauses (a) to (e) of sub-rule (1) of rule 7A, in relation to such building or land or of any portion thereof."

26. In rule 9 of the TAXATION RULES,—

(1) after the words "the assessment book" the words "in such form and manner as he may, with the approval of the Standing Committee, decide" shall be inserted ;

(2) in clause (b), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(3) for clause (d), the following clause shall be substituted, namely :—

"(d) if any such building or land is not liable to be assessed to the general tax or is exempted from payment of property tax, either in whole or in part, the reason of such non-liability or exemption, as the case may be,";

(4) in clause (e), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

27. In rule 10 of the TAXATION RULES, in sub-rule (1), for the words "purpose of elections" the words "administrative purposes" shall be substituted.

28. In rule 13 of the TAXATION RULES, in sub-rule (2), the words "or by any other mode including electronic media as the Commissioner may think fit" shall be added at the end.

29. In rule 15 of the TAXATION RULES,—

(1) in sub-rule (1),—

(a) for the words "fifteen days" the words "twenty-one days" shall be substituted;

(b) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(2) in sub-rule (2),—

(a) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(b) for the words "fifteen days" the words "twenty-one days" shall be substituted.

Amendment of rule 8 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 9 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 10 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 13 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 15 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment
of rule 16
of Chapter
VIII in
Schedule 'D'
to Bom.
LIX of
1949.

30. In rule 16 of the TAXATION RULES, in sub-rule (1), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

Amendment
of rule 19 of
Chapter
VIII in
Schedule 'D'
to Bom. LIX
of 1949.

31. In rule 19 of the TAXATION RULES, in sub-rule (1), after the words "rateable values" the words "or the capital values, as the case may be," shall be inserted.

Amendment
of rule 20
of Chapter
VIII in
Schedule
'D' to Bom.
LIX of
1949.

32. In rule 20 of the TAXATION RULES,—

(1) in sub-rule (1), in clause (c), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(2) in sub-rule (2), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

Amendment
of rule 30 of
Chapter
VIII in
Schedule 'D'
to Bom. LIX
of 1949.

33. In rule 30 of the TAXATION RULES, the words and figures, "as specified in a bill served under rule 39, 40 or 55" shall be added at the end.

Substitution
of rule 41 of
Chapter
VIII in
Schedule 'D'
to Bom. LIX
of 1949.

34. For rule 41 of the TAXATION RULES, the following rule shall be substituted, namely :—

Levy of
penalty on
unpaid
amount of
bill.

"41. (1) The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and of the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid, a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid :

Provided that, any property tax for which a bill is served under this Act before the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (hereinafter referred to as "the Amendment Act of 2009") has remained unpaid in full or in part, a person who has not paid such tax shall be liable to penalty as provided under this section, on and from the date of commencement of the said Amendment Act of 2009:

(2) If the other taxes or dues claimed in the bill are not paid by the date specified in the bill, the provisions of sub-section (1) shall *mutatis mutandis* apply to the amount which has so remained unpaid."

35. In rule 42 of the TAXATION RULES,—

(1) for the portion beginning with the words "on whom a notice of demand" and ending with the words "satisfaction of the Commissioner" the following shall be substituted, namely :—

"liable for the payment of the tax for which a bill is served upon him does not pay the tax together with penalty or interest or both as required under the provisions of this Act to pay the same";

(2) for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) Where the person liable to pay the tax according to the bill served upon him pays the tax as required under the provisions of this Act but does not pay the amount of penalty or interest or both either in whole or in part as may be due on the unpaid amount of tax, for such amount which has remained unpaid, a warrant in the form of Schedule H, *mutatis mutandis*, may be issued by the Commissioner in the same manner as if such sums were due on account of the tax."

36. In rule 45 of the TAXATION RULES,—

(1) in sub-rule (1),—

(a) for the words "amount due" the words "tax due, penalty or interest or both, if any, due and payable together" shall be substituted;

(b) for the words "five days" the words "twenty-one days" shall be substituted;

(2) for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) Such order shall be proclaimed by fixing at some conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land, paying revenue to the State Government, in the office of the Collector."

37. In rule 47 of the TAXATION RULES, in sub-rule (2), after the words "public auction" the words "or by auction by inviting sealed bids" shall be inserted.

Amendment
of rule 42 of
Chapter VIII
in
Schedule 'D'
to Bom. LIX
of 1949.

Amendment
of rule 45 of
Chapter
VIII in
Schedule 'D'
to Bom. LIX
of 1949.

Amendment
of rule 47 of
Chapter
VIII in
Schedule 'D'
to Bom. LIX
of 1949.

- Substitution of rule 51 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949. **38.** For rule 51 of the TAXATION RULES, the following rule shall be substituted, namely :—
- Penalty, fees or cost of recovery may be remitted. **"51.** The Commissioner may, in his discretion, remit the whole or any part of penalty under rule 41, or fees or cost of recovery under rule 50."
- Amendment of rule 53 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949. **39.** In rule 53 of the TAXATION RULES, in sub-rule (2), the words "except that it shall not be necessary to serve upon the defaulter any notice of demand," shall be deleted.
- Insertion of rule 55A in Chapter VIII in Schedule 'D' to Bom. LIX of 1949. **40.** After rule 55 of the TAXATION RULES, the following rule shall be inserted, namely :—
- Special provision for facility for payment of property taxes. **"55A.** Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Corporation in this behalf by giving a public notice in two leading newspapers circulating within the area of jurisdiction of the Corporation; and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Commissioner."
- Amendment of rule 59 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949. **41.** In rule 59 of the TAXATION RULES, for the portion beginning with the word "accompanied" and ending with the word "claimed" the words and figures "accompanied by the original receipt or any valid proof of payment of the amount of the bill presented to the applicant under rule 39, 40 or 55" shall be substituted.
- Deletion of Form G in Schedule 'D' to Bom. LIX of 1949. **42.** Form G in Schedule 'D' to the Provincial Corporations Act shall be deleted.
- Removal of doubt. **43.** For the removal of doubt, it is hereby declared that all proceedings in connection with any assessment, reassessment, levy (including levy of penalty or interest) and collection of any property tax levied on the basis of rateable value relating to any period whatsoever, immediately before the date determined by the Corporation under sub-section (2) of section 129 to adopt capital value to be the base for levy of property taxes shall, notwithstanding anything contained in this Act but save as otherwise expressly provided therein, be continued and dealt with under the Provincial Corporations Act as if this Act has not been enacted.

CHAPTER III

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION
ACT, 1948

C.P. and Berar II of 1950. 44. In PART IV, in Chapter XI of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), in the sub-heading, "The Property Taxes—Imposition of Property Taxes" the words "leviable on annual value or capital value" shall be added at the end.

Amendment of sub-heading in PART IV in Chapter XI of C.P. and Berar II of 1950.

45. In Chapter XI of the Nagpur Corporation Act, after the sub-heading "The Property Taxes—Imposition of Property Taxes leviable on annual value or Capital Value", the following section shall be inserted, namely :—

Insertion of section 115-1A in C.P. and Berar II of 1950.

"115-1A: (1) Property taxes leviable on buildings and lands in the City under this Act shall include sewerage tax, sewerage benefit tax, water tax, water benefit tax, general tax, street tax and education cess.

Property taxes what to consist.

(2) For the purposes of levy of property taxes, the expression "building" includes a flat, a *gala*, a unit or any portion of the building.

(3) All or any of the property taxes may be imposed on a graduated scale.

(4) Save as otherwise provided in this Act, it shall be lawful for the Corporation to continue to levy all or any of the property taxes on the annual value of buildings and lands until the Corporation adopts levy of any or all the property taxes on such buildings and lands on the capital value thereof under sub-section (2) of section 115A."

46. In section 115A of the Nagpur Corporation Act,—

Amendment of section 115A of C.P. and Berar II of 1950.

(1) for the marginal note, the following marginal note shall be substituted, namely :—

"Property taxes leviable on annual value, or on capital value, as the case may be, and at what rate.;"

(2) section 115A of the Nagpur Corporation Act shall be re-numbered as sub-section (1) thereof; and

(A) in sub-section (1) as so re-numbered,—

(i) the words "and shall be called "property taxes" shall be deleted;

(ii) in clause (a), in sub-clauses (i) and (ii), after the words "annual value" the words "or their capital value, as the case may be," shall be inserted ;

(iii) in clause (b), in sub-clauses (i) and (ii), after the words "annual value" the words "or their capital value, as the case may be," shall be inserted ;

(iv) in clause (c), after the words "annual value" the words and figures "or of not less than 0.1 and not more than 1 per centum of the capital value, as the case may be," shall be inserted ;

(v) the proviso shall be deleted ;

(B) after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

"(2) Notwithstanding anything contained in any other provisions of this Act, the Corporation may pass a resolution to adopt levy of property tax on buildings and lands in the City on the basis of capital value of the buildings and lands on and from such date, and at such rates, as the Corporation may determine in accordance with the provisions of this Act :

Provided that, for the period of five years from the date on which such property tax is levied on capital value, the tax shall not exceed,—

(i) in respect of building used for residential purposes, two times, and

(ii) in respect of building or land used for non-residential purposes, three times, the amount of the property tax leviable in respect thereof in the year immediately preceding such date :

Provided further that, the property tax levied on the basis of capital value of any buildings or lands on revision made under sub-section (2) of section 119 shall not in any case exceed forty per centum of the amount of the property tax payable in the year immediately preceding the year of such revision :

Provided also that, for the period of five years commencing from the year of adoption of capital value as the base, for levy of property tax under this sub-section, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. metres (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Corporation adopts the capital value as the basis of levy of property tax, the property tax in respect of any taxable building shall be revised after every five years and on each such revision, such amount of property tax, shall not in any case exceed the forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision."

48. In section 117 of the Nagpur Corporation Act,—

Amendment
of section
117 of C.P.
and Berar II
of 1950.

(1) in sub-section (1), for the word, brackets and figure "sub-section (2)" the word, brackets, figures and letter " sub-sections (2),(2A)" shall be substituted ;

(2) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Where the Corporation has adopted the levy of property tax on capital value of buildings and lands, the capital value of buildings and lands in the City vesting in Government and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the State Government, shall be the book value of such buildings or lands in Government records and such capital value shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in Government in the City materially increases or decreases." ;

(3) in sub-section (3), the following shall be added at the end, namely :—

"on the basis of annual value under sub-section (2) or on the basis of capital value under sub-section (2A), as the case may be "

49. In section 119 of the Nagpur Corporation Act,—

Amendment
of section
119 of C.P.
and Berar II
of 1950.

(1) in the marginal note, after the words "Annual value" the words "or the capital value, as the case may be," shall be inserted ;

(2) after the words "to the property taxes" the words "the annual value or the capital value, as the case may be, shall be determined as under" shall be added ;

(3) the existing clauses (a), (b) and (c) shall be re-numbered as clause (A) of section 119; and after clause (A), as so re-numbered, the following clause shall be added, namely :—

"(B) (a) In order to fix the capital value of any building or land assessable to a property tax, the Commissioner shall have regard to the value of any building or land as indicated in the Stamp Duty Ready Reckoner for the time being in force as prepared under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, framed under the provisions of the Bombay Stamp Act, 1958, or where the Stamp Duty Ready Reckoner does not indicate value of any property in any particular area wherein a building or land in respect of which capital value is required to be determined is situate, or in case such Stamp Duty Ready Reckoner does not exist, then the Commissioner may fix the capital value of any building or land taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely :—

(i) the nature and type of the land and structure of the building,

(ii) area of land or carpet area of building,

(iii) user category, that is to say—(i) residential, (ii) commercial (shops or the like), (iii) offices, (iv) hotels (upto 4 stars), (v) hotels (more than 4 stars), (vi) banks, (vii) industries and factories, (viii) school and college building or building used for educational purposes, (ix) malls, and (x) any other building or land not covered by any of the above categories,

(iv) age of the building, or

(v) such other factors as may be specified by Regulations made under clause (b).

(b) The Commissioner shall, with the approval of the Standing Committee, frame such Regulations as respects the details of categories of building or land and the weightage by multiplication to be assigned to various such categories for the purpose of fixing the capital value under clause (a).

(c) The capital value of any building or land fixed under clause (a) shall be revised every five years:

Provided that, the Commissioner may, for reasons to be recorded in writing, revise the capital value of any building or land any time during the said period of five years and shall accordingly amend the assessment list in relation to such building or land under section 134."

Amendment
of section
121 of C.P.
and Berar II
of 1950.

50. In section 121 of the Nagpur Corporation Act, for the words "for the purposes of the property taxes" the words "for the purposes of determining the annual value or the capital value, as the case may be, and levy of the property taxes" shall be substituted.

Substitution
of section
122 of C.P.
and Berar II
of 1950.

51. For section 122 of the Nagpur Corporation Act, the following section shall be substituted, namely:—

Primary
responsibility
for property
taxes on
whom to
rest.

"122. (1) Subject to the provisions of sub-section (2), property taxes assessed upon any premises shall be primarily leviable as follows, namely:—

(a) if the premises are held immediately from the Government or from the Corporation, from the actual occupier thereof:

Provided that, property taxes due in respect of buildings vesting in the Government and occupied by servants of the Government or other persons on payment of rent shall be leviable primarily from the Government;

(b) if the premises are held or occupied by a person, who is not the owner and the whereabouts of the owner of the premises cannot be ascertained, from the holder or occupier; and

(c) if the premises are held or developed by a developer or an attorney or any person in whatever capacity such person may be holding the premises and in each of whom the right to sell the same exists or is acquired, from such holder, developer, attorney, or person, as the case may be:

Provided that, such holder, developer, attorney or person shall be liable until the actual sale is effected ;

(d) if the premises are not so held,—

(i) from the lessor, if the premises are let;

(ii) from the superior lessor, if the premises are sub-let;

(iii) from the person in whom the right to let the premises vests, if they are unlet.

(2) If any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or any person deriving title from the said tenant by the operation of law or by assignment or transfer but not by sub-lease or the legal representative of the said tenant or person whether the premises be in the occupation of the said tenant or person or legal representative or a sub-tenant.”.

52. In section 123 of the Nagpur Corporation Act, in sub-section (1), after the words “annual value” the words “or the capital value, as the case may be,” shall be inserted.

Amendment of section 123 of C.P. and Berar II of 1950.

53. In section 124 of the Nagpur Corporation Act,—

(1) In the marginal note, after the words “annual value” the words “or capital value” shall be inserted ;

(2) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) On and from the date of adoption of capital value as the basis for assessment and levy of property taxes by the Corporation under sub-section (2) of section 115A, the assessment on the basis of capital value determined in accordance with the provisions of this Act and the duration thereof shall be governed according to the provisions in relation to determination of capital value and the assessment of property tax made on the basis thereof.”.

Amendment of section 124 of C.P. and Berar II of 1950.

54. In section 125 of the Nagpur Corporation Act, in sub-section (1),—

(1) in clause (a), the word “and”, where it occurs for the third time, shall be deleted ;

(2) in clause (b), for the word “building.” the words “building; and” shall be substituted ;

(3) after clause (b), the following clause shall be added, namely :—

“(c) as to the details in respect of any or all the factors as enumerated in items (i) to (v) of sub-clause (a) of clause (B) of section 119 in relation to such land or building or of any portion thereof.”.

Amendment of section 125 of C.P. and Berar II of 1950.

- Amendment of section 126 of C.P. and Berar II of 1950. 55. In section 126 of the Nagpur Corporation Act,—
 (1) in sub-section (1), after the words “the valuation” the words “as annual value or the capital value, as the case may be,” shall be inserted;
 (2) in sub-section (2), after the words “annual value” the words “or the capital value, as the case may be,” shall be inserted.
- Amendment of section 127 of C.P. and Berar II of 1950. 56. In section 127 of the Nagpur Corporation Act, after the words and figures “is increased under section 124” the words, brackets, letters and figures “or under the proviso to sub-clause (c) of clause (B) of section 119” shall be inserted.
- Amendment of section 130 of C.P. and Berar II of 1950. 57. In section 130 of the Nagpur Corporation Act,—
 (1) in sub-section (3), the word “Indian” shall be deleted;
 (2) for sub-section (5), the following sub-section shall be substituted, namely:—
 “(5) Where the decision of the District Court is not final by virtue of the provisions of section 388 which provides for an appeal or revision against the final decision of the District Court and in pursuance of this provision if an appeal or revision is filed and is pending then, notwithstanding anything contained in this Act, it shall be lawful for the Commissioner to assess the property taxes, from year to year, on the basis of annual value or the capital value, as the case may be, determined under the provisions of this Act, subject, however, to the provisions of sub-section (1).”
- Amendment of section 132 of C.P. and Berar II of 1950. 58. In section 132 of the Nagpur Corporation Act, in sub-section (1), after the words “annual value” the words “or the capital value, as the case may be,” shall be inserted.
- Amendment of section 133 of C.P. and Berar II of 1950. 59. In section 133 of the Nagpur Corporation Act, in sub-section (1), after the words “annual values” the words “or the capital values, as the case may be,” shall be inserted.
- Amendment of section 134 of C.P. and Berar II of 1950. 60. In section 134 of the Nagpur Corporation Act, in sub-section (1), in the second proviso, after the words “Provided further that” the words, figures and brackets “, but save as provided in sub-section (5) of section 130,” shall be inserted.
- Amendment of section 138 of C.P. and Berar II of 1950. 61. In section 138 of the Nagpur Corporation Act, after the word and figures “section 130” the words and figures “or an appeal or revision is preferred under section 388” shall be inserted.
- Deletion of section 139 of C.P. and Berar II of 1950. 62. Section 139 of the Nagpur Corporation Act shall be deleted.

63. In section 143 of the Nagpur Corporation Act, in sub-section (2), after the word and figures "section 116" the words, figures and letter "and section 118A" shall be inserted.

Amendment of section 143 of C.P. and Berar II of 1950.

64. In section 145 of the Nagpur Corporation Act, in sub-section (1), after the words "for the purpose of assessment" the words "on the basis of annual value" shall be inserted.

Amendment of section 145 of C.P. and Berar II of 1950.

65. After section 147 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 147A of C.P. and Berar II of 1950.

"147A. (1) When any new building is erected or any building is rebuilt or enlarged or occupied or reoccupied or when there is change of user of part or whole of the building, the person primarily liable for the property taxes assessed on the building, shall within fifteen days give notice thereof, in writing, to the Commissioner.

Notice to be given to Commissioner of erection of new building, etc.

(2) The said period of fifteen days shall be counted from the date of the completion or the occupation, whichever occurs first, of the building which has been newly erected or rebuilt, or of the enlargement, or of the reoccupation, or of the change of user of part or whole of the building, as the case may be."

66. In section 148 of the Nagpur Corporation Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

Amendment of section 148 of C.P. and Berar II of 1950.

"(3A) Such notice shall be accompanied by such fees as the Commissioner may, from time to time, with the approval of the Standing Committee, prescribe; and such notice shall state clearly and correctly the particulars of transfer of land or building.

(3B) The transfer of title of any person primarily liable to the payment of property tax shall not be recorded by the Commissioner in the assessment list unless the property taxes due in respect of the property sought to be transferred are fully paid before giving such notice."

67. In section 153A of the Nagpur Corporation Act, in sub-section (1), for the words "rateable value", at both the places where they occur, the words "annual value or the capital value, as the case may be," shall be substituted.

Amendment of section 153A of C.P. and Berar II of 1950.

68. In section 153B of the Nagpur Corporation Act, in sub-section (1),—
(1) for the words "rateable value", at both the places where they occur, the words "annual value or the capital value, as the case may be," shall be substituted ;

Amendment of section 153B of C.P. and Berar II of 1950.

(2) the words "Such tax may be levied, if the Corporation so determines, on a graduated scale" shall be deleted.

Amendment
of section
153C of
C.P. and
Berar II of
1950.

69. In section 153C of the Nagpur Corporation Act, in sub-section (2),—

(1) for the words "rateable value" the words "annual value or the capital value, as the case may be," shall be substituted ;

(2) after the word, brackets and figure "sub-section (2)" the words, brackets, figure and letter "or sub-section (2A)" shall be inserted.

Amendment
of section
154 of C.P.
and Berar
II of 1950.

70. In section 154 of the Nagpur Corporation Act,—

(1) in the marginal note, for the word "demands" the word "dues" shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Each of the property taxes shall be payable in advance in half yearly installments and other taxes and dues shall also be payable by the date as specified in a bill presented or served under sub-section (1).";

(3) after sub-section (2), the following sub-section shall be added, namely :—

"(3)(a) The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and for the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year ; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid; a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid :

Levy of
penalty on
unpaid
amount of
bill.

Provided that, if any property tax for which a bill is served under this Act before the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (hereinafter referred to as "the Amendment Act of 2009") has remained unpaid in full or in part, a person who has not paid such tax shall be liable to pay penalty as provided under this section, on and from the date of commencement of the said Amendment Act of 2009.

(b) If the other taxes or dues claimed in the bill are not paid by the date specified in the bill, the provisions of clause (a) shall *mutatis mutandis* apply to the amount which has so remained unpaid."

Mah.
X of
2010.

71. For section 155 of the Nagpur Corporation Act, the following sections shall be substituted, namely :—

Substitution of section 155 of C.P. and Berar II of 1950.

“155. (1) If the sum due on account of any property tax remains unpaid after a bill for the same has been duly served under this Act upon the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may serve a bill for the amount upon the occupier of the said premises, or, if there are two or more occupiers thereof, may serve a bill upon each of them for such portion of the sum due as bears to the whole amount due in the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

When occupiers may be held liable for payment of property taxes.

(2) Notwithstanding anything contained in sub-section (1), on and from the date of adoption of capital value as the base for levy of property taxes under sub-section (2) of section 115A, but subject to the other provisions of this Act, the Commissioner may serve a bill for the amount of property tax on such occupier of the said premises, or, if there are two or more such occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount of tax based on the capital value, due in the same ratio which the capital value, of such portion of the premises of the occupier or occupiers bears to the aggregate amount of the tax based on the capital value, in respect of the said premises.

(3) If the occupier or any of the occupiers fails within thirty days from the service of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the provisions of this Act.

(4) No arrear of a property tax shall be recovered under this section from any occupier, who is not the owner, where such tax is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(5) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

155A. Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Corporation in this behalf by giving a public notice in two leading newspapers in circulation within the area of jurisdiction of the Corporation; and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Commissioner.”

Special provision for facility for payment of property taxes.

Amendment
of section
156 of C.P.
and Berar II
of 1950.

72. In section 156 of the Nagpur Corporation Act, in sub-section (1),—

(1) for the portion beginning with the words "notice of demand" and ending with the words "service of such notice" the words, brackets and figures "bill has been served under sub-section (1) of section 154," shall be substituted;

(2) for clause (a), the following clause shall be substituted, namely :—

"(a) does not pay the tax together with penalty, interest, fees or any other dues as required under the provisions of this Act to pay the same on or before the date specified in the bill;";

(3) clause (b) shall be deleted;

(4) in clause (c), for the word "demand" the word "claim" shall be substituted.

Amendment
of section
157 of C.P.
and Berar II
of 1950.

73. In section 157 of the Nagpur Corporation Act, the words, brackets and figures "sub-section (2) of section 155 or" shall be deleted.

Amendment
of section
160 of C.P.
and Berar II
of 1950.

74. In section 160 of the Nagpur Corporation Act, in sub-section (2), after the words "public auction" the words ", or by auction inviting sealed bids" shall be inserted.

Amendment
of section
162 of C.P.
and Berar II
of 1950.

75. In section 162 of the Nagpur Corporation Act, the words "notice or" shall be deleted.

Amendment
of section
163 of C.P.
and Berar II
of 1950.

76. In section 163 of the Nagpur Corporation Act, in sub-section (2), the words "except that it shall not be necessary to serve upon him any notice of demand" shall be deleted.

Amendment
of section
164 of C.P.
and Berar
II of 1950.

77. In section 164 of the Nagpur Corporation Act,—

(1) in sub-section (1); for the words, brackets and figures "notice of demand issued under sub-section (1) of section 155" the words, brackets and figures "claim made in the bill presented or served under sub-section (1) of section 154" shall be substituted;

(2) in sub-section (2), in clause (b), for the words "fifteen days" the words "twenty-one days" shall be substituted;

(3) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Where the appeal is not filed in accordance with the provisions of clauses (a) to (c) of sub-section (2), it shall be liable to be summarily dismissed."

78. In section 165 of the Nagpur Corporation Act, the proviso shall be deleted.

Amendment of section 165 of C.P. and Berar II of 1950.

79. In section 351 of the Nagpur Corporation Act, after clause (c), the following clause shall be inserted, namely :—

Amendment of section 351 of C.P. and Berar II of 1950.

“(c-i) by any other mode, including electronic media as the Commissioner may think fit, or”.

80. In section 374 of the Nagpur Corporation Act, after the word “rent” the word “, penalty” shall be inserted.

Amendment of section 374 of C.P. and Berar II of 1950.

81. In section 399 of the Nagpur Corporation Act, in the proviso, for the words and figures “Arbitration Act, 1940” the words and figures “Arbitration and Conciliation Act, 1996” shall be substituted.

Amendment of section 399 of C.P. and Berar II of 1950.

X of 1940.
26 of 1996.

82. In section 415 of the Nagpur Corporation Act, in clause (14),—

(1) in sub-clause (d), for the words “notices of demand” the word “warrant” shall be substituted ;

(2) in sub-clause (e), after the words “annual values” the words “or the capital values, as the case may be,” shall be inserted.

Amendment of section 415 of C.P. and Berar II of 1950.

83. In section 420 of the Nagpur Corporation Act, in sub-section (2), in clause (t), for the words “notices of demands” the word “warrants” shall be substituted.

Amendment of section 420 of C.P. and Berar II of 1950.

84. For the removal of doubt it is hereby declared that all proceedings in connection with any assessment, reassessment, levy (including levy of penalty) and collection of any property tax levied on the basis of annual value or rateable value relating to any period whatsoever, immediately before the date determined by the Corporation under sub-section (2) of section 115A to adopt capital value to be the base for levy of property taxes shall, notwithstanding anything contained in this Act but save as otherwise expressly provided therein, be continued and dealt with under the Nagpur Corporation Act as if this Act has not been enacted.

Removal of doubt.

CHAPTER IV.

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS,
NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Amendment
of section
105 of Mah.
XL of 1965.

85. In section 105 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as the "Municipal Councils Act"),—

Mah.
XL of
1965.

(1) in sub-section (1),—

(a) in clause (a), after the words "rateable value" the words "or their capital value, as the case may be," shall be inserted ;

(b) in the second proviso, after the words "property tax" the words "or all or any of the property taxes" shall be inserted ;

(2) after sub-section (2), the following sub-sections shall be added, namely :—

"(3) For the purposes of levy of property taxes, the expression "building" includes flat, a gala, a unit or any portion of building;

(4) Notwithstanding anything contained in any other provisions of this Act, the Council may pass a resolution to adopt levy of property tax on buildings and lands within the municipal area on the basis of capital value of the buildings and lands on and from such date, and at such rates, as the Council may determine in accordance with the provisions of this Act:

Provided that, for the period of five years from the date from which such property tax is levied on capital value, the tax shall not exceed,—

(i) in respect of building used for residential purposes, two times, and

(ii) in respect of building or land used for non-residential purposes, three times,

the amount of the property tax leviable in respect thereof in the year immediately preceding such date :

Provided further that, the property tax levied on the basis of capital value of any buildings or lands on revision made under sub-section (3) of section 114 shall not in any case exceed forty per centum of the amount of the property tax payable in the year immediately preceding the year of such revision :

Provided also that, for the period of five years commencing from the year of adoption of capital value as the base, for levy of property tax under this sub-section, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. meters (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Council adopts the capital value as the basis of levy of property tax, the property tax in respect of any taxable building shall be revised after every five years and on each such revision, such amount of property tax, shall not in any case exceed the forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision.

(5) Save as otherwise provided in this Act, it shall be lawful for the Council to continue to levy all or any of the property taxes or the consolidated tax on property on the basis of rateable value of lands and buildings until the Council adopts levy of any or all the property taxes or the consolidated tax on property on such lands and buildings on the basis of capital value thereof under sub-section (4)."

86. In section 112 of the Municipal Councils Act, in sub-section (1), in the proviso, in clause (a), after the words "such tax under" the words "the provisions of this Act or of" shall be inserted.

Amendment
of section
112 of Mah.
XL of 1965.

87. In section 114 of the Municipal Councils Act,—

(1) in the marginal note, after the words "rateable value" the words "or the capital value" shall be inserted ;

Amendment
of section
114 of Mah.
XL of 1965.

(2) after sub-section (2), the following sub-section shall be added, namely :—

"(3) (a) In order to fix the capital value of any building or land assessable to a property tax, the Chief Officer shall have regard to the value of any building or land as indicated in the Stamp Duty Ready Reckoner for the time being in force as prepared under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1958, framed under the provisions of the Bombay Stamp Act, 1958, or where the Stamp Duty Ready Reckoner does not indicate value of any property in any particular area wherein a building or land in respect of which capital value is required to be determined is situate, or in case such Stamp Duty Ready Reckoner does not exist, then the Chief Officer may fix the capital value of any building or land taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely :—

(i) the nature and type of the land and structure of the building,

(ii) area of land or carpet area of building,

(iii) user category, that is to say, (a) residential, (b) commercial (shops or the like), (c) offices, (d) hotels (upto 4 stars), (e) hotels (more than 4 stars), (f) banks, (g) industries and factories, (h) school and college building or building used for educational purposes, (i) malls, and (j) any other building or land not covered by any of the above categories,

(iv) age of the building, or

(v) such other factors as may be specified by Regulations made under clause (b).

Bom.
LX of
1958.

(b) The Chief Officer shall, with the approval of the Standing Committee, frame such Regulations as respects the details of categories of building or land and the weightage by multiplication to be assigned to various such categories for the purpose of fixing the capital value under clause (a).

(c) The capital value of any building or land fixed under clause (a) shall be revised every five years :

Provided that, the Chief Officer may, for reasons to be recorded in writing, revise the capital value of any building or land any time during the said period of five years and shall accordingly amend the assessment list in relation to such building or land under section 123, or as the case may be, under section 124."

Amendment
of section
115 of Mah.
XL of 1965.

88. In section 115 of the Municipal Councils Act,—

(1) in sub-section (1), for the words "the prescribed form" the words "such form as the Chief Officer may, with the approval of the Standing Committee, determine" shall be substituted ;

(2) in sub-section (2),—

(a) after the words "as shall be specified", the following shall be inserted, namely:—

"including the details in respect of any or all the factors as enumerated in items (i) to (v) of clause (a) of sub-section (3) of section 114 in relation to such land or building or of any portion thereof,";

(b) for the word "value" the words "rateable value or the capital value, as the case may be," shall be substituted.

Amendment
of section
122 of Mah.
XL of 1965.

89. In section 122 of the Municipal Councils Act, in clause (i), after the words "on the basis" the words "of the rateable value or the capital value, as the case may be as" shall be inserted.

Amendment
of section
123 of Mah.
XL of 1965.

90. In section 123 of the Municipal Councils Act,—

(1) in sub-section (1),—

(a) for the words "or reconstructed" the words "reconstructed, occupied or re-occupied or user thereof is changed" shall be inserted;

(b) after the words "has been completed" the words "or occupation or re-occupation or the change of user occurs" shall be inserted;

(2) after sub-section (2), the following sub-sections shall be inserted, namely :—

"(2A) Where any new building or part thereof is constructed, altered, added to, re-occupied or user thereof is changed, the person primarily liable for the property taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Chief Officer.

(2B) The said period of fifteen days shall be counted from the date of the completion of construction, alteration, addition to, reconstruction, or from the date of occupation, re-occupation or change of user of, the building or part thereof." ;

(3) in sub-section (3), after the words "whichever first occurs," the words "or in the case of a building or part of a building which was vacant or in respect of which there is change of user, on the day on which it has been occupied or re-occupied or the change of user occurs," shall be inserted.

91. In section 124 of the Municipal Councils Act, after sub-section (2), the following sub-section shall be added, namely:—

Amendment
of section
124 of Mah.
XL of 1965.

"(3) On and from the date of adoption of capital value as the basis for assessment and levy of property taxes by the Council under sub-section (4) of section 105, the assessment on the basis of capital value determined in accordance with the provisions of this Act and the duration and revision thereof and matters incidental thereto shall be governed according to the provisions in relation to determination and revision of capital value and the assessment of the property tax made on the basis thereof."

92. In section 125 of the Municipal Councils Act, in sub-section (1), in clause (b), after sub-clause (iii), the following sub-clauses shall be inserted, namely:—

Amendment
of section
125 of Mah.
XL of 1965.

"(iv) if the premises are held or occupied by a person, who is not the owner and the whereabouts of the owner of the premises cannot be ascertained, from the holder or occupier; and

(v) if the premises are held or developed by a developer or an attorney or any person in whatever capacity such person may be holding the premises and in each of whom the right to sell the same exists or is acquired, from such holder, developer, attorney, or person, as the case may be:

Provided that, such holder, developer, attorney or person shall be liable until the actual sale is effected."

93. In section 126 of the Municipal Councils Act,—

Amendment
of section
126 of Mah.
XL of 1965.

(1) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), on and from the date of adoption of capital value as the base for levy of property taxes under sub-section (4) of section 105, but subject to the other provisions of this Act, the Chief Officer may serve a bill for the amount of property tax on such occupier of the said premises, or, if there are two or more such occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount of tax based on the capital value, due in the same ratio which the capital value, of such portion of the premises of the occupier or occupiers bears to the aggregate amount of the tax based on the capital value, in respect of the said premises."

(2) in sub-section (3), the words "which has remained due for more than one year, or" shall be deleted.

Amendment
of section
130 of Mah.
XL of 1965.

94. In section 130 of the Municipal Councils Act,—

(1) in sub-section (1), after the words "as the case may be," the following shall be inserted, namely :—

"and shall be accompanied by such fees as the Chief Officer may, from time to time, with the approval of the Standing Committee, prescribe,";

(2) in sub-section (2), the word "Indian" shall be deleted ;

(3) after sub-section (2), the following sub-section shall be added, namely :—

"(3) The transfer of title of any person primarily liable to the payment of property tax shall not be recorded by the Chief Officer in the assessment book unless the property taxes due in respect of the property sought to be transferred are fully paid before giving such notice."

Amendment
of section
150 of Mah.
XL of 1965.

95. In section 150 of the Municipal Councils Act,—

(1) in the marginal note, after the word "payment" the words "or concession in tax" shall be added ;

(2) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Each of the property taxes shall be payable in advance in half yearly installments and other dues shall also be payable by the date as specified in a bill presented or served under sub-section (1)."

Insertion of
sections
150A and
150B in
Mah. XL of
1965.

96. After section 150 of the Municipal Councils Act, the following sections shall be inserted, namely :—

Levy of
penalty on
unpaid
amount of
Bill.

"150A. (1) The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and for the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid, a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid :

Mah. X of 2010. Provided that, if any property tax for which a bill is served under this Act before the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (hereinafter in this section referred to as "the Amendment Act of 2009") has remained unpaid in full or in part, a person who has not paid such tax shall be liable to pay penalty as provided under this section, on and from the date of commencement of the said Amendment Act of 2009.

(2) If the other taxes or dues claimed in the bill are not paid by the date specified in the bill, the provisions of sub-section (1) shall, *mutatis mutandis*, apply to the amount which has so remained unpaid.

150B. Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Council in this behalf by giving a public notice in two leading newspaper in circulation within the area of jurisdiction of the Council and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Council."

Special provision for facility for payment of property taxes.

97. Section 151 of the Municipal Councils Act shall be deleted.

Deletion of section 151 of Mah. XL of 1965.

98. For section 152 of the Municipal Councils Act, the following section shall be substituted, namely:—

Substitution of section 152 of Mah. XL of 1965.

"152. If the person to whom a bill is presented or served as provided under sub-section (1) of section 150 does not, before expiry of the period within which an appeal may be preferred against such claim, either—

When warrant may be issued.

(a) pay the tax, penalty, interest, fees and any other dues as required under the provisions before the date specified in the bill; or

(b) prefer an appeal in accordance with the provisions of section 169 against the claim,

then such sum with all costs of the recovery may be levied under a warrant signed by the Chief Officer in the form of Schedule V, or to the like effect, by distress and sale of the movable or immovable property of the defaulter :

Provided that, where any measures, precautionary or otherwise, have been taken in respect of any such property for the recovery of any sum claimed by the State Government, any proceeding under this Chapter in respect of such property shall abate."

- Amendment of section 156 of Mah. XL of 1965. **99.** In section 156 of the Municipal Councils Act, in sub-section (1),—
- (1) the word "notice", where it occurs for the first time, shall be deleted;
 - (2) for the word "notice", where it occurs for the second time, the word "bill" shall be substituted;
 - (3) after the words "public auction" the words "or by auction inviting sealed bids" shall be inserted.
- Amendment of section 159 of Mah. XL of 1965. **100.** In section 159 of the Municipal Councils Act, the words and figures "every notice issued under section 151," shall be deleted.
- Amendment of section 160 of Mah. XL of 1965. **101.** In section 160 of the Municipal Councils Act, in sub-section (2), the words "except that it shall not be necessary to serve upon the defaulter any notice of demand" shall be deleted.
- Amendment of section 161 of Mah. XL of 1965. **102.** In section 161 of the Municipal Councils Act, after the words "public auction" the words "or by auction inviting sealed bids" shall be inserted.
- Deletion of section 166 of Mah. XL of 1965. **103.** Section 166 of the Municipal Councils Act shall be deleted.
- Amendment of section 168 of Mah. XL of 1965. **104.** In section 168 of the Municipal Councils Act, in sub-section (4), for the words and figures "Chapter X of the Bombay Land Revenue Code, 1879" the words and figures "Chapter XI of the Maharashtra Land Revenue Code, 1966" shall be substituted. Bom. V of 1879. Mah. XLI of 1966.
- Amendment of section 169 of Mah. XL of 1965. **105.** In section 169 of the Municipal Councils Act, in sub-section (2A), after the words "rateable values" the words "or the capital values, as the case may be," shall be inserted.
- Amendment of section 170 of Mah. XL of 1965. **106.** In section 170 of the Municipal Councils Act,—
- (1) in clause (a), the proviso shall be deleted ;
 - (2) in clause (c),—
 - (a) in sub-clause (i), after the words, brackets and figure "sub-section (1)" the words, brackets and figure "or sub-section (2), as the case may be" shall be inserted;
 - (b) for sub-clause (ii), the following sub-clause shall be substituted, namely :—

"(ii) where the appeal is not filed in accordance with the provisions of section 169 and this section, it shall be liable to be summarily dismissed ;"

107. After section 171 of the Municipal Councils Act, the following section shall be inserted, namely :—

Insertion of section 171A in Mah. XL of 1965.

"171A. Where the decision of the Magistrate or Bench of Magistrates is not final by virtue of the provisions of section 171 which provides for revision by the Court, and in pursuance of this provision if a revision or any further proceedings is filed and is pending, then, notwithstanding anything contained in this Act, it shall be lawful for the Chief Officer to assess the property taxes, from year to year, on the basis of rateable value or the capital value, as the case may be, determined under the provisions of this Act, subject, however, to the provisions of sections 169 and 170."

Power of Chief Officer to make fresh assessment.

108. In section 301 of the Municipal Councils Act, in sub-section (1), in clause (d), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted.

Amendment of section 301 of Mah. XL of 1965.

109. In section 326 of the Municipal Councils Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

Amendment of section 326 of Mah. XL of 1965.

"(b-i) by any other mode, including electronic media as the Chief Officer may think fit; or"

110. In SCHEDULE IV to the Municipal Councils Act, shall be deleted.

Deletion of Schedule IV to Mah. XL of 1965.

111. In SCHEDULE V to the Municipal Councils Act,—

Amendment of Schedule V to Mah. XL of 1965.

(1) the words "and has not shown satisfactory cause for the non-payment of" shall be deleted;

(2) for the portion beginning with the words "fifteen days" and ending with the words "the same", the following shall be substituted, namely :—

"the sum so due has not been paid by the date specified in the bill presented to him for the same."

112. In SCHEDULE VI to the Municipal Councils Act, the words "of demand" shall be deleted.

Amendment of Schedule VI to Mah. XL of 1965.

113. For the removal of doubt it is hereby declared that all proceedings in connection with any assessment, reassessment, levy (including levy of penalty) and collection of any property tax levied on the basis of rateable value relating to any period whatsoever, immediately before the date determined by the Council under sub-section (4) of section 105 to adopt capital value to be the base for levy of property taxes shall, notwithstanding anything contained in this Act but save as otherwise expressly provided therein, be continued and dealt with under the Municipal Councils Act as if this Act has not been enacted.

Removal of doubt.

CHAPTER V

AMENDMENT TO THE MAHARASHTRA (URBAN AREAS)

PROTECTION AND PRESERVATION OF

TREES ACT, 1975

Amendment
of section 18
of Mah.
XLIV of
1975.

114. In section 18 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975,—

Mah.
XLIV
of
1975.

(1) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where under the relevant Act, an urban local authority is levying a property tax on buildings and lands on the Capital value thereof, the Tree Cess leviable under sub-section (1) shall be levied at such rate, not exceeding 0.5 per cent. of the capital value of such building and lands, as the State Government may, by notification in the *Official Gazette*, specify :

Provided that, the Tree Cess so levied under this section shall not exceed,—

(i) in respect of buildings used for residential premises, two times, and

(ii) in respect of buildings used for non-residential premises, three times,

the amount of Tree Cess leviable in respect thereof in the year immediately preceding such date of adoption of capital value as the basis for assessment of property tax:

Provided further that, for the period of five years commencing from the levy of capital value as the basis for assessment of property tax, the Tree Cess leviable in respect of residential building or tenements having carpet area of 46.45 sq. meters (500 sq. feet) or less, shall not exceed the amount of Tree Cess levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Urban local authority adopts the capital value as the basis for levy of property tax, the Tree Cess, in respect of any taxable building shall be revised after every five years and on each such revision, such amount of Tree Cess, shall not in any case exceed the forty per cent. of the amount of the Tree Cess levied and payable in the year immediately preceding the year of the revision.”

(2) in sub-section (2), for the word, brackets and figure "sub-section (1)" the words, brackets, figures and letter "sub-section (1A) or, as the case may be, under sub-section (1A)" shall be substituted.

CHAPTER VI

AMENDMENTS TO THE MAHARASHTRA TAX ON BUILDINGS (WITH LARGER RESIDENTIAL PREMISES) (RE-ENACTED) ACT, 1979.

Mah.
XXIX
of
1979.

115. In section 2 of the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) Act, 1979 (hereinafter, in this Chapters, referred to as "Tax on Buildings Act"), after clause (e), the following clause shall be inserted, namely :—

Amendment
of section 2
of Mah.
XXIX of
1979.

"(e-1) "capital value" means capital value of a building or part thereof fixed or determined in accordance with the provisions of the relevant municipal law ;"

116. In section 3 of the Tax on Buildings Act, after sub-section (3), the following sub-section shall be added, namely :—

Amendment
of section 3
of Mah.
XXIX of
1979.

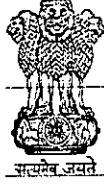
"(4) Where, the Corporation has levied the property tax on the land and buildings on the basis of capital value under the provisions of the relevant municipal law, the tax shall be levied on all buildings or parts thereof situated in Corporation areas, containing any residential premises,—

(i) if, situated in area of Brihan Mumbai, the floorage of such premises is more than 125 square metres ;

(ii) if, situated in other Corporation area, the floorage of such premises is more than 150 square metres ;

at such rate not exceeding 0.05 per cent. of the capital value, as the State Government may, by notification in the *Official Gazette*, specify :

Provided that, where the property tax, on the basis of the capital value has been revised by the Corporation under the relevant municipal law, the tax levied under this Act shall not exceed forty per cent. of the tax payable in the year immediately preceding such revision."



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ४६ (२)]

शनिवार, डिसेंबर १८, २०१०/अग्रहायण २७, शके १९३२

[पृष्ठे ८

किंमत : रुपये १९.००

असाधारण क्रमांक ९०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010 (Mah. Act No. XXVII of 2010), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVII OF 2010.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 18th December 2010.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to

take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and therefore, promulgated the Bombay Provincial Municipal Corporations (Amendment) Ordinance, 2010, on the 2nd August 2010 and the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2010, on the 26th August 2010;

Bom.
III of
1888.
Bom.
LIX of
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL of
1965.
Mah.
Ord.
IX of
2010.
Mah.
Ord. X
of
2010.

AND WHEREAS it is expedient to replace the said Ordinances by a consolidated Act of the State Legislature; it is hereby enacted in the Sixty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010.

(2) (i) Sections 1, 10 and 12 of this Act shall be deemed to have come into force on the 2nd August 2010.

(ii) Sections 2 to 9, 11 and 13 to 19 of this Act shall be deemed to have come into force on the 26th August 2010.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section
128 of
Bom. III of
1888.

2. In section 128 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"),—

Bom.
III of
1888.

(1) in sub-section (1), in clause (a),—

(a) for the words "official year; and" the words "official year:" shall be substituted;

(b) the following proviso shall be added, namely:—

"Provided that, the Corporation may determine different rates of property taxes for different categories of users of a building or land or part thereof; and";

(2) after sub-section (2), the following sub-section shall be added, namely:—

"(3) Notwithstanding anything contained in sub-sections (1) and (2), the Corporation may at any time, after the 26th August 2010,

Mah.
XXVII of
2010.

being the date of the commencement of section 2 of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010, but before the expiry of the official year 2010-2011 (hereinafter, in this Act, referred to as "the year 2010-2011"), determine different rates of property taxes for different categories of users of a building or land or part thereof, which may be lived in the year 2010-2011. The rates of property taxes so determined shall be effective and shall be deemed to have been effective from the 1st April 2010 and the tax during the year 2010-2011 shall be leviable and payable at those rates."

3. Section 140A of the Mumbai Corporation Act shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-sections shall be added, namely:—

Amendment
of section
140A of
Bom. III of
1888.

Mah.
XXVII of
2010.

"(2) Notwithstanding anything contained in sub-section (4) of section 139A or any other provisions of this Act or Resolution, if any, passed by the Corporation for adopting the levy of property tax on buildings and lands on the basis of capital value, but subject to the provisions of section 154A, buildings and lands in respect of which the process of fixing capital value is in progress on the 26th August 2010, being the date of coming into force of section 3 of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010, but before fixing the capital value thereof, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year, that is to say, for the year ending on the thirty-first day of March 2010; and on fixation of capital value of such buildings and lands during the year 2010-2011, a final bill based on the final assessment shall be issued for the total tax leviable and payable during the year 2010-2011. After such final assessment, if it is found that the assessee has paid excess amount, such excess amount shall, notwithstanding anything contained in section 179, be refunded within three months from the date of issuing the final bill, along with interest from such date as provided in the first proviso to sub-section (5) of section 217, or after obtaining the consent of the assessee shall be adjusted towards payment of property tax due, if any, or for the subsequent year; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee the difference shall be recovered from the assessee.

(3) Notwithstanding anything contained in section 163 or 217 or any other provisions of this Act and having regard to the fact that the property tax bill has been issued in accordance with the provisions of sub-section (2), not being a final bill, such bill shall not be questioned before any forum; and no complaint or appeal shall lie against such bill merely on the ground that capital value in respect of the property which is the subject matter of the bill is not yet fixed, or that the amount of tax leviable and payable at the rate of the property tax determined by the Corporation is not yet finally ascertained, or on any other ground whatever."

Amendment of section 144A of Bom. III of 1888.

4. To section 144A of the Mumbai Corporation Act, the following *Explanation* shall be added, namely :—

Explanation.— For the purposes of this section, “ecologically beneficial scheme” includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction or the like as the Corporation or the State Government may identify.”

Amendment of section 154 of Bom. III of 1888.

5. In section 154 of the Mumbai Corporation Act,—

(1) in sub section (1A),—

(a) after the words and figures “the Bombay Stamp Act, 1958” the words “as base value,” shall be inserted;

(b) for the words “taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors namely :—” the words “taking into consideration the market value of such building or land, as a base value. The Commissioner, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely :—” shall be substituted;

(2) in sub-section (1B), for the words “assigned to various such categories” the words “assigned to various such factors and categories” shall be substituted.

Insertion of section 154A in Bom. III of 1888.

6. After section 154 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Provisional fixation of capital value in certain cases.

“154A. Notwithstanding anything contained in section 154, where in respect of any building or land or part thereof, the process of fixing capital value for the year 2010-2011 is in progress on the 26th August 2010, being the date of coming into force of section 6 of the Maharashtra Municipal Corporation’s and Municipal Councils (Third Amendment) Act, 2010, the rateable value of such building or land or any part thereof during the year preceding the year 2010-2011 shall be the provisional capital value and shall be deemed to be the capital value validly and legally fixed under the provisions of this Act, pending fixing the final capital value thereof; and it shall be lawful for the Commissioner to treat it as such for the purposes of assessment book kept under the provisions of this Act, and the bill of property tax issued under sub-section (2) of section 140A shall be deemed to have been validly and legally issued under the provisions of this Act.”

Mah.
XXVII
of
2010.

Amendment of section 156 of Bom. III of 1888.

7. In section 156 of the Mumbai Corporation Act, for the words “prescribe by rules” the word “determine” shall be substituted.

8. In section 168 of the Mumbai Corporation Act, in sub-section (3) for the words "four years" the words "five years" shall be substituted.

Amendment of section 168 of Bom. III of 1888.

9. After section 219 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Insertion of section 219A in Bom. III of 1888.

Mah.
XXVII
of
2010.

"219A. The provisions of sections 128, 140A, 154A, 156 and 168, as amended by the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010, shall have effect notwithstanding anything inconsistent therewith contained in Chapter VIII or in any other provisions of this Act, or in any judgment, decree or order of any court."

Certain provisions to have overriding effect.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Bom.
LIX of
1949.

10. After section 99C of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), the following section shall be inserted, namely :—

Insertion of section 99D in Bom. LIX of 1949.

"99D. (1) Notwithstanding anything contained in section 99B or 99C, the State Government may at any time, by notification in the *Official Gazette* and for reasons to be specified in such notification, revise the rates and extent of the Local Body Tax determined under section 99B, or, as the case may be, under section 99C.

Power of State Government to revise rates of Local Body Tax.

(2) Every notification issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature."

11. In section 129 of the Provincial Corporations Act,—

(1) after the first proviso, the following proviso shall be inserted, namely :—

Amendment of section 129 of Bom. LIX of 1949.

"Provided further that, the Corporation may determine different rates of property tax for different categories of user of a building or land or a part thereof :";

(2) in the second proviso, for the words "Provided that" the words "Provided also that" shall be substituted.

12. In section 406 of the Provincial Corporations Act,—

(i) in sub-section (6),—

Amendment of section 406 of Bom. LIX of 1949.

(a) for the words, figures and letter "the demand notice in respect of levy of cess under Chapter XIA" the words, figures

and letters "the demand notice in respect of levy of cess under Chapter XIA or the Local Body Tax under Chapter XIB" shall be substituted ;

(b) in clause (i), after the words "by the Cess Officer" the words "or any other officer, not being the Deputy Commissioner" shall be inserted ;

(ii) after sub-section (7), the following sub-section shall be added, namely :—

"(8) No appeal under sub-section (6) shall be entertained by the Deputy Commissioner or, as the case may be, the Commissioner unless the amount of the disputed tax claimed from the appellant has been deposited by the appellant with the Commissioner."

Amendment
of Schedule
'D' to Bom.
LIX of 1949.

13. In Schedule 'D' of the Provincial Corporations Act, in Chapter VIII,—

(A) in rule 7A,—

(1) in sub-rule (1),—

(a) after the words and figures "the Bombay Stamp Act, 1958" the words "as a base value," shall be inserted ;

(b) for the words "taking into consideration the market value of such building or land, as a base value ; and also have regard to the following factors, namely :—" the words "taking into consideration the market value of such building or land, as a base value. The Commissioner, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely :—" shall be substituted ;

(2) in sub-rule (2), for the words "assigned to various such categories" the words "assigned to various such factors and categories" shall be substituted ;

(B) in rule 21, in sub-rule (2), for the words "four years" the words "five years" shall be substituted.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Amendment
of section
115A of C.P.
and Berar II
of 1950.

14. In section 115A of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), to sub-section (1), the following proviso shall be added, namely :—

"Provided that, the Corporation may determine different rates of property tax for different categories of users of a building or land or a part thereof."

C.P.
and
Berar
II of
1950.

Amendment
of section
119 of C.P.
and Berar II
of 1950.

15. In section 119 of the Nagpur Corporation Act, in clause (B),—

(1) in sub-clause (a),—

(a) after the words and figures "the Bombay Stamp Act, 1958" the words "as a base value," shall be inserted ;

(b) for the words "taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely:—". the words "taking into consideration the market value of such building or land, as a base value. The Commissioner, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely:—" shall be substituted;

(2) in sub-clause (b), for the words "assigned to various such categories" the words "assigned to various such factors and categories" shall be substituted.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. 16. In section 105 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"), to sub-section (1), after the second proviso, the following proviso shall be added, namely:—

Amendment of section 105 of Mah. XL of 1965.

"Provided also that, the Council may determine different rates of tax for different categories of users of a building or land or a part thereof."

17. In section 114 of the Municipal Councils Act, in sub-section (3),—

Amendment of section 114 of Mah. XL of 1965.

(1) in clause (a),—

(a) after the words and figures "the Bombay Stamp Act, 1958" the words "as a base value," shall be inserted;

(b) for the words "taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely:—" the words "taking into consideration the market value of such building or land, as a base value. The Chief Officer, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely:—" shall be substituted.

(2) in sub-clause (b), for the words "assigned to various such categories" the words "assigned to various such factors and categories" shall be substituted.

18. In section 124 of the Municipal Councils Act, in sub-section (2), for the words "four years" the words "five years" shall be substituted.

Amendment of section 124 of Mah. XL of 1965.

CHAPTER VI

MISCELLANEOUS

Power to
remove
difficulty.

19. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in respect of the matters contained in this Act, the State Government may, as the occasion arises, by order published in the *Official Gazette*, do anything not inconsistent with the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, which appears to it to be necessary for the purpose of removing the difficulty :

Bom.
III of
1888.

Bom.
LIX of
1949.

C.P.
and
Berar
II of
1950.

Mah.
XL of
1965.

Bom.
III of
1888.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the respective section of this Act.

Bom.
LIX of
1949.

C.P.
and
Berar
II of
1950.

Mah.
XL of
1965.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Repeal of
Mah. Ord.
IX of 2010
and Mah.
Ord. X of
2010 and
saving.

20. (1) The Bombay Provincial Municipal Corporations (Amendment) Ordinance, 2010 and the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2010, are hereby repealed.

Mah.
Ord.
IX of
2010.

Mah.
Ord.
X of
2010.

(2) Notwithstanding such repeal, anything done or any action taken including any notification or order issued under the corresponding provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinances, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Bom.
III of
1888.

Bom.
LIX of
1949.

C.P.
and
Berar
II of
1950.

Mah.
XL of
1965.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५(४)]

रविवार, एप्रिल ३, २०११/चैत्र १३, शके १९३३

[पृष्ठे १४, किंमत : रुपये १४.००

असाधारण क्रमांक ३८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2010 (Mah. Act No. IX of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. IX OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 3rd April 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act,

1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2010.

Short title
and
commence-
ment.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act and for different areas.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

2. After section 354AA of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following sections shall be inserted, namely :—

Insertion of
sections
354AB and
354AC in
Bom. III of
1888.

Bom.
III of
1888.

Responsibility
of owner or
occupier to
keep and
maintain
exterior of
building in
good
condition.

" **354AB.** (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

Mah.
XXVIII
of
1971.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition ; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Chief Judge of the Small Causes Court, but no such appeal shall be entertained by the said Chief Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

354AC. (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

Power of Commissioner to make declaration of aesthetic harmony.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting

all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the Chief Judge of the Small Causes Court, but no such appeal shall be entertained by the said Chief Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”.

Substitution of
section 520C
of Bom. III of
1888.

3. For section 520C of the Mumbai Corporation Act, the following section shall be substituted, namely :—

Power of
State
Government
to issue
instructions
or
directions.

“ 520 C. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programmes, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Corporation to give effect to such instructions or directions :

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why

such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

4. After section 185 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), the following sections shall be inserted, namely :—

Insertion of sections 185A and 185B in Bom. LIX of 1949.

Bom.
LIX of
1949.

“185A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

Mah.
XXVIII
of 1971.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition ; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Judge, before whom an appeal may be filed under section 406 but no such appeal shall be entertained by such Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

Power of
Commissioner
to make
declaration
of aesthetic
harmony.

185B. (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the

Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the Judge, before whom an appeal under section 406 may be filed, but no such appeal shall be entertained by such Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”.

5. After section 450 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Insertion
of section
450A in
Bom. LIX
of 1949.

“450 A. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Corporation to give effect to such instructions or directions :

Power of
State
Government
to issue
instructions
or
directions.

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Insertion of sections 285A and 285B in C.P. and Berar II of 1950.

6. After section 285 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), the following sections shall be inserted, namely :—

C. P. and Berar II of 1950.

Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

"285A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

Mah. XXVIII of 1971.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of the building in good condition; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the District Court, but no such appeal shall be entertained by the said Court unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

285B. (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

Power of
Commissioner
to make
declaration
of aesthetic
harmony.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be

recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the District Court, but no such appeal shall be entertained by the said Court unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”

Insertion of
section 404A in
C. P. and
Berar II of
1950.

7. After section 404 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Power of
State
Government
to issue
instructions
or directions.

“404A. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Corporation to give effect to such instructions or directions:

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965.

8. After section 194 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"), the following sections shall be inserted, namely:—

Insertion of sections 194A and 194B in Mah. XL of 1965. Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

"194A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof:

Mah. XXVIII of 1971.

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

(2) If, on inspection of such building or a part thereof, the Chief Officer is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Chief Officer may, by notice in writing, require the owner or occupier thereof to carry out the necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Chief Officer under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Chief Officer may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Chief Officer may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Chief Officer in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Chief Officer, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Property Tax Appeal Committee constituted under sub-section (2) of section 169, but no such appeal shall be entertained by the said Committee unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

Power of
Chief officer
to make
declaration of
aesthetic
harmony.

194B. (1) The Chief Officer, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

(2) Before publication of the notification under sub-section (1), the Chief Officer shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Chief Officer within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Chief Officer shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the Chief Officer may take or cause to be taken such steps to carry out the work required to be executed under the declaration; and the expenses incurred by the Council in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the Property Tax Appeal Committee constituted under sub-section (2) of section 169, but no such appeal shall be entertained by the said Committee unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”.

Insertion of
section
312A in
Mah. XL of
1965.
Power of
State
Government
to issue
instructions
or directions.

9. After section 312 of the Municipal Councils Act, the following section shall be inserted, namely :—

“312 A. Notwithstanding anything contained in this Act, the State Government may issue to the Council general instructions as to matters of policy to be followed by the Council in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Council to give effect to such instructions or directions :

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Council to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक १०] सोमवार, एप्रिल १८, २०११/चैत्र २८, शके १९३३ [पृष्ठे ९, किंमत : रुपये १४.००

असाधारण क्रमांक ४३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011 (Mah. Act No. XI of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,

Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XI OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 18th April 2011.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

(१)

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2011, on the 10th March 2011;

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.
Mah.
Ord.
X of
2011.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 10th March 2011.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section
128 of Bom.
III of 1888.

2. In section 128 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), for sub-section (3), the following sub-section shall be substituted, namely :—

Bom.
III of
1888.

"(3) Notwithstanding anything contained in sub-sections (1) and (2), the Corporation may, at any time during the official years 2010-2011 and 2011-2012, determine, separately for each of the said two years, the rates of property taxes for different categories of users of a building or land or part thereof. The rates of property taxes so determined shall be effective and shall be deemed to have been effective from the 1st of April of those two years and the taxes for the said two years shall be leviable and payable at the rates so determined."

Amendment
of section
140A of
Bom. III of
1888.

3. In section 140A of the Mumbai Corporation Act,—

(1) in sub-section (1),—

(a) after the first proviso, the following proviso shall be inserted, namely :—

" Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof were on the basis of annual letting value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso it shall be lawful for the Commissioner to ascertain such tax leviable during such

immediately preceding year, as if such building or portion thereof were self-occupied and had been so entered in the assessment book ;”;

(b) in the second proviso, for the word “ further” the word “also” shall be substituted ;

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Notwithstanding anything contained in sub-section (4) of section 139A or any other provisions of this Act or Resolution, if any, passed by the Corporation for adopting the levy of property tax on the basis of capital value but subject to the provisions of section 154A, buildings and lands in respect of which the process of fixing capital value is in progress on the 26th August 2010, being the date of coming into force of section 3 of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010, until it is so fixed; the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year, that is to say, for the year commencing on the first day of April 2009 and ending on the thirty-first day of March 2010 and such provisional tax shall be leviable and payable for each of the years 2010-2011 and 2011-2012 according to the provisional bills which may be issued separately for each such year; so, however, that on fixation of capital value of the respective buildings and lands, final bill of assessment of property taxes on the basis of capital value may then be issued for each such year as aforesaid. After such final assessment, if it is found that the assessee has paid excess amount, such excess shall, notwithstanding anything contained in section 179, be refunded within three months from the date of issuing the final bill, alongwith interest from such date as provided in the first proviso to sub-section (5) of section 217, or after obtaining the consent of the assessee, shall be adjusted towards payment of property tax due, if any, for the subsequent years; and if the amount of taxes on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.”

Mah.
XXVII
of
2010.

4. For section 154A of the Mumbai Corporation Act, the following section shall be substituted, namely :—

Substitution
of section
154A of
Born. III of
1888.

“154A. Notwithstanding anything contained in section 154, the rateable value of any building or land or part thereof, for the official year 2009-2010, shall be the provisional capital value of such buildings or lands in respect of the official years 2010-2011 and 2011-2012, and such provisional capital value shall be deemed to be the capital value validly and legally fixed under the provisions of this Act, pending fixing

Provisional
fixation of
capital value
in certain
cases.

the capital value thereof; and it shall be lawful for the Commissioner to treat it as such for the purposes of assessment book kept under the provisions of this Act, and the bill for property taxes issued under sub-section (2) of section 140A shall be deemed to have been validly and legally issued under the provisions of this Act.”

Substitution
of section
172 of
Bom. III of
1888.

5. For section 172 of the Mumbai Corporation Act, the following section shall be substituted, namely :—

Rules for
water taxes
and charges
and
sewerage
taxes and
charges and
amendment
thereof.

“172. (1) The provisions of sections 140A and 154A, as amended by the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011, shall, *mutatis mutandis* apply, for the purposes of levy of water taxes and charges and sewerage taxes and charges for the years 2010-2011 and 2011-2012.

Mah.
XI of
2011.

(2) The Standing Committee may, from time to time, add to, amend or rescind any rules made or deemed to be made by it under sections 169 and 170 (both inclusive), but any such revision of the rules shall, subject to the provisions of sub-section (1), come into force on the date appointed by the Committee for this purpose so however that such date shall not be earlier than the 1st April of the official year during which the decision to make such revision is taken by the Standing Committee :

Provided that, the rules fixing the rates for the official years 2010-2011 and 2011-2012 shall be effective from the first day of each respective official year.”

Insertion of
section 216B
in Bom. III
of 1888.

6. After section 216A of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Powert to
assess in
case of
escape from
assessment.

“216B. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any year, the Commissioner may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.”

Amendment
of section
219A of
Bom. III of
1888.

7. In section 219A of the Mumbai Corporation Act, after the figures “2010”, the following shall be inserted, namely :—

“or, as the case may be, by the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011,”

Mah
XI of
2011.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Bom. LIX of 1949. 8. In section 129 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as " the Provincial Corporations Act "), in sub-section (2), — Amendment of section 129 of Bom. LIX of 1949.

(a) after the first proviso, the following proviso shall be inserted, namely :—

" Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof were on the basis of annual letting value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso, it shall be lawful for the Commissioner to ascertain such tax leviable during such immediately preceding year, as if such building or portion thereof were self-occupied and had been so entered in the assessment book :";

(b) in the second proviso, for the word " further " the word " also " shall be substituted.

9. After section 129-1A of the Provincial Corporations Act, the following section shall be inserted, namely :— Insertion of section 129-2A in Bom. LIX of 1949.

" 129-2A. (1) Where a Corporation passes a resolution to adopt levy of property taxes on buildings and lands in the City, on the basis of capital value of buildings and lands, notwithstanding anything contained in any other provisions of this Act, the following provisions shall apply in the official year in which such tax is levied on the basis of capital value of buildings and lands, namely :— Transitory provisions in respect of property taxes on capital value.

(i) until the capital value of the buildings and lands in the City are fixed, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year and it shall be lawful for the Corporation to issue a provisional bill for the tax accordingly ;

(ii) on fixation of the capital value of the buildings and lands, the Corporation shall issue a final bill of assessment of property taxes ;

(iii) after such final assessment, if it is found that the assessee has paid excess amount, such excess shall be refunded within three months from the date of issuing the final bill, alongwith interest from the date of final bill, or after obtaining the consent of the assessee, shall be adjusted towards payment of property taxes due, if any, for the subsequent years; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.

(2) The provisions of this section shall cease to operate after expiry of the official year in which the Corporation has decided to levy property tax on the basis of capital value of buildings and lands.”

Insertion of section 150A in Bom. LIX of 1949.

Power to assess in case of escape from assessment.

10. After section 150 of the Provincial Corporations Act, the following section shall be inserted, namely :—

“150A. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Act has escaped assessment in any year, the Commissioner may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 115A of C.P. and Berar II of 1950.

11. In section 115A of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as “the Nagpur Corporation Act”), in sub-section (2),—

C.P. and Berar II of 1950.

(a) after the first proviso, the following proviso shall be inserted, namely :—

“Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof were on the basis of annual value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso, the property taxes leviable during such immediately preceding year shall be ascertained on the basis of the tax which could be leviable and payable as if the building or portion thereof were self-occupied and had been so entered in the assessment book :”;

(b) in the second proviso, for the word “further” the word “also” shall be substituted.

Insertion of section 115AAA in C.P. and Berar II of 1950.

12. After section 115AA of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Transitory provisions in respect of property tax on capital value.

“115AAA. (1) Where the Corporation passes a resolution to adopt levy of property taxes on buildings and lands in the City, on the basis of capital value of buildings and lands, notwithstanding anything contained in any other provisions of this Act, the following provisions shall apply in the official year in which such tax on the basis of capital value of buildings and lands is levied, namely :—

(i) until the capital value of the buildings and lands in the City are fixed, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year and it shall be lawful for the Corporation to issue a provisional bill for the tax accordingly ;

(ii) on fixation of the capital value of the buildings and lands, the Corporation shall issue a final bill of assessment of property taxes ;

(iii) after such final assessment, if it is found that the assessee has paid excess amount, such excess shall be refunded within three months from the date of issuing the final bill, alongwith interest from the date of final bill, or after obtaining the consent of the assessee, shall be adjusted towards payment of property taxes, due, if any, for the subsequent years; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.

(2) The provisions of this section shall cease to operate after expiry of the official year in which the Corporation has decided to levy property tax on the basis of capital value of buildings and lands.”.

13. After section 155A of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 155B in C.P. and Berar II of 1950.

“155B. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Act has escaped assessment in any year, the Commissioner may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.”.

Power to assess in case of escape from assessment.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. 14. In section 105 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), in sub-section (4), —

Amendment of section 105 of Mah. XL of 1965.

(a) after the first proviso, the following proviso shall be inserted, namely :—

“ Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof

were on the basis of annual letting value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso, it shall be lawful for the Chief Officer to ascertain such tax leviable during such immediately preceding year, as if such building or portion thereof were self-occupied and had been so entered in the assessment book”;

(b) in the second proviso, for the word “further” the word “also” shall be substituted.

Insertion of
section 106B
in Mah. XL
of 1965.

15. After section 106A of the Municipal Councils Act, the following section shall be inserted, namely :—

Transitory
provisions
in respect of
property
tax on
capital
value.

“ 106B. (1) Where a Council passes a resolution to adopt levy of property taxes on buildings and lands in the municipal area, on the basis of capital value of buildings and lands, notwithstanding anything contained in any other provisions of this Act, the following provisions shall apply in the official year in which such tax on the basis of capital value of buildings and lands is levied, namely :—

(i) until the capital value of the buildings and lands in the municipal area are fixed, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year and it shall be lawful for the Council to issue a provisional bill for tax accordingly ;

(ii) on fixation of the capital value of the buildings and lands, the Council shall issue a final bill of assessment of property taxes;

(iii) after such final assessment, if it is found that the assessee has paid excess amount, such excess shall be refunded within three months from the date of issuing the final bill, alongwith interest from the date of final bill, or after obtaining the consent of the assessee, shall be adjusted towards payment of property taxes due, if any, for the subsequent years; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.

(2) The provisions of this section shall cease to operate after expiry of the official year in which the Council has decided to levy property tax on the basis of capital value of buildings and lands.”

16. After section 150B of the Municipal Councils Act, the following section shall be inserted, namely :—

Insertion of section 150C in Mah. XL of 1965.

“150C. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any year, the Chief Officer may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.”

Power to assess in case of escape from assessment.

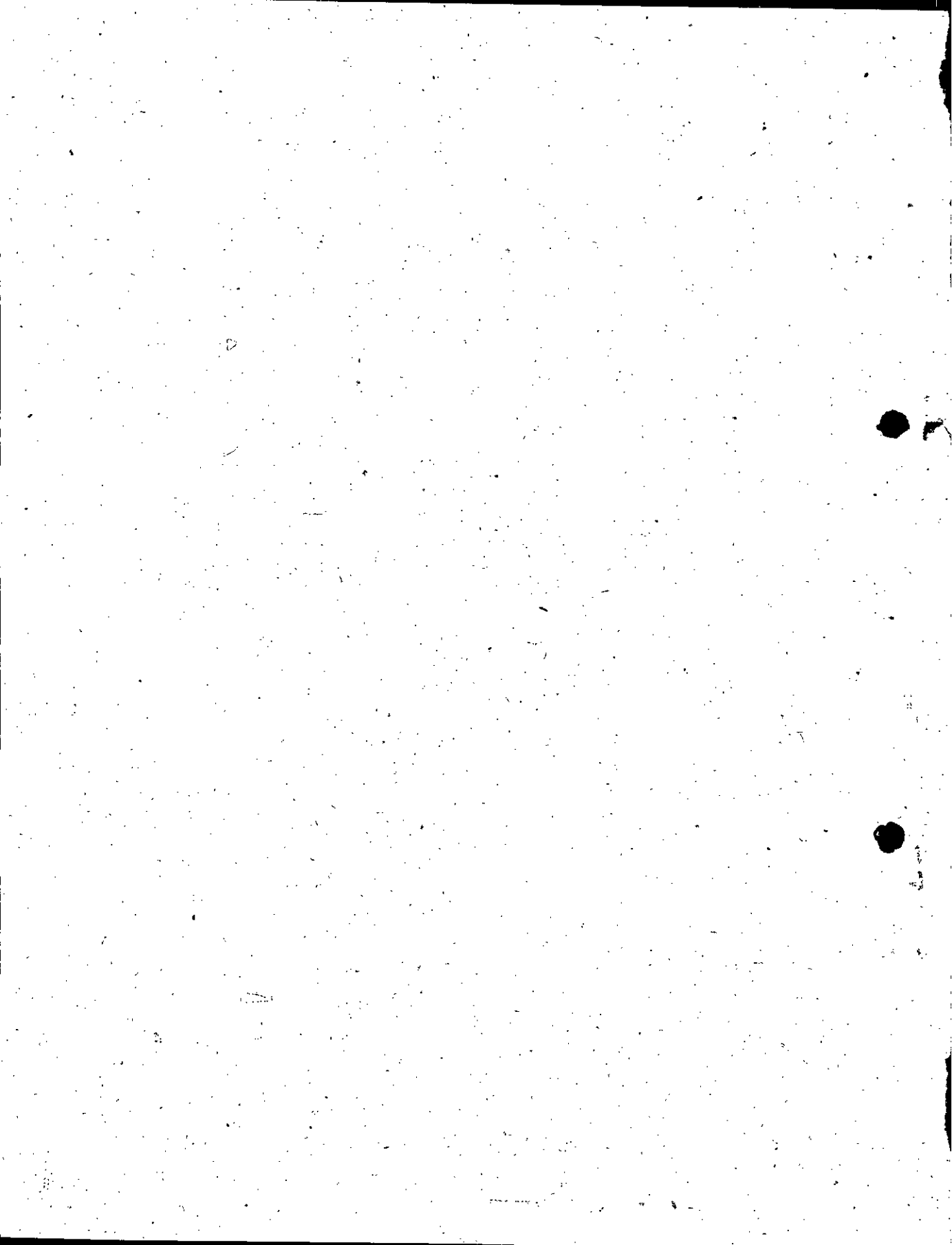
CHAPTER VI

MISCELLANEOUS

Mah. Ord. X of 2011. 17. (1) The Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2011, is hereby repealed.

Repeal of Mah. Ord. X of 2011 and saving.

Bom. III of 1888. Bom. LIX of 1949. C.P. and Berar II of 1950. Mah. XL of 1965. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Act, as amended by this Act.





महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक १०(२) सोमवार, एप्रिल १८, २०११/चैत्र २८, शके १९३३ [पृष्ठे ४, किंमत : रुपये १४.००]

असाधारण क्रमांक ४४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Amendment) Act, 2011 (Mah. Act. No. XII of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XII OF 2011.

First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 18th April 2011)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that
Bom. III of 1888. circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act,

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, एप्रिल १८, २०११/चेत्र २८, शके १९३३

the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 2011, on the 10th March 2011 ;

Bom.
LIX
of
1949.
C. P.
and
Berar
II of
1950.
Mah.
Ord.
IX of
2011.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short
title and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 10th March 2011.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amend-
ment of
section 78A
of Bom. III
of 1888.

2. In section 78A of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), in sub-section (1),—

Bom.
III of
1888.

(a) for the words "The Corporation shall from time to time appoint a fit person to be Municipal Chief Auditor" the words "On and from the 10th March 2011 being the date of commencement of section 2 of the Maharashtra Municipal Corporations (Amendment) Act, 2011, the State Government, shall appoint, on deputation a suitable officer, not below the rank of the Joint Director from the Maharashtra Finance and Accounts Services to be the Municipal Chief Auditor, on such terms and conditions as may be prescribed" shall be substituted ;

Mah.
XII of
2011.

(b) the following proviso shall be added, namely :—

"Provided that, nothing in this section shall affect the appointment and terms and conditions of service of the Municipal Chief Auditor holding office as such on the 10th March 2011 being the date of commencement of section 2 of the Maharashtra Municipal Corporations (Amendment) Act, 2011."

Mah.
XII of
2011.

3. After section 137A of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Insertion of section 137B in Bom. III of 1888.

“137B. The State Government shall cause the annual accounts of the Corporation, including the accounts of the Brihan Mumbai Electric Supply and Transport Undertaking, to be audited by the Director, Local Fund Accounts Audit. On receipt of the report from the Director, Local Fund Accounts Audit of such audit, the State Government shall forward it to the Commissioner. The Commissioner shall cause, the report of such audit to be laid before the General Body of the Corporation within three months from the date of its receipt. The Commissioner shall, thereafter, take further necessary action on the report as per the provisions of the Maharashtra Local Fund Audit Act.”

Power of State Government to require audit by Director, Local Fund Accounts Audit.

Bom. XXV of 1930.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

4. In section 45 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), in sub-section (1), the words “, Municipal Chief Auditor” shall be deleted.

Amendment of section 45 of Bom. LIX of 1949.

5. After section 45 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Insertion of section 45A in Bom. LIX of 1949.

“45A. On and from the 10th March 2011, being the date of commencement of section 5 of the Maharashtra Municipal Corporations (Amendment) Act, 2011, the State Government, shall appoint, on deputation, a suitable officer, not below the rank of the Deputy Director from the Maharashtra Finance and Accounts Services to be the Municipal Chief Auditor on such terms and conditions, as may be prescribed :

Appointment of Municipal Chief Auditor.

Mah. XII of 2011.

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of the Municipal Chief Auditor holding office as such on the 10th March 2011 being the date of commencement of section 5 of the Maharashtra Municipal Corporations (Amendment) Act, 2011.”

Mah. XII of 2011.

Insertion of
section
107A in
Bom. LIX of
1949.

6. After section 107 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Power of
State
Government
to require
audit by
Director,
Local Fund
Accounts
Audit.

“107A. The State Government shall cause the annual accounts of the Corporation, including the accounts of the Transport Undertaking, if any, to be audited by the Director, Local Fund Accounts Audit. On receipt of the report from the Director, Local Fund Accounts Audit of such audit, the State Government shall forward it to the Commissioner. The Commissioner shall cause, the report of such audit to be laid before the General Body of the Corporation within three months from the date of its receipt. The Commissioner shall, thereafter, take further necessary action on the report as per the provisions of the Maharashtra Local Fund Audit Act.”

Bom.
XXV
of
1930.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Insertion of
section
49-1A in
C. P. and
Berar II of
1950.

7. After section 49 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

C.P.
and
Berar
II of
1950.

Appoint-
ment of
Municipal
Chief
Auditor.

“49-1A. The State Government, shall appoint, on deputation a suitable officer not below the rank of the Deputy Director from the Maharashtra Finance and Accounts Services to be the Municipal Chief Auditor on such terms and conditions, as may be prescribed.”

CHAPTER V

MISCELLANEOUS

Repeal of
Mah. Ord.
IX of 2011
and saving.

8. (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2011, is hereby repealed.

Mah.
Ord.
IX of
2011.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक १२(८)]

गुरुवार, एप्रिल २१, २०११/वैशाख १, शके १९३३ [पृष्ठे ४, किंमत : रुपये १४.००

असाधारण क्रमांक ५५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2011 (Mah. Act. No. XX of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XX OF 2011

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 21st April 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

Bom. III
of 1888.
Bom. LIX
of 1949.
C.P and
Berar II
of 1950.
Mah. XL
of 1965.

CHAPTER I

PRELIMINARY.

1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2011.

भाग आठ—५५--१

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment
of section 5A
of Bom. III
of 1888.

2. In section 5A of the Mumbai Municipal Corporation Act,—

Bom.
III of
1888.

(1) in sub-section (2), in clause (b),—

(a) for the words “one-third” the words “one-half” shall be substituted;

(b) in the proviso, the words “and where only two seats are reserved for the Scheduled Castes, one of the two seats shall be reserved for women belonging to Scheduled Castes” shall be deleted;

(2) in sub-section (3), in clause (b),—

(a) for the words “one-third” the words “one-half” shall be substituted;

(b) in the proviso, the words “and where only two seats are reserved for the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Tribes” shall be deleted;

(3) in sub-section (4), in clause (b), for the words “one-third” the words “one-half” shall be substituted;

(4) in sub-section (5), for the words “one-third” the words “one-half” shall be substituted.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL
CORPORATIONS ACT, 1949.

Amendment
of section 5A
of Bom. LIX
of 1949.

3. In section 5A of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (1),—

Bom.
LIX of
1949.

(1) in clause (b),—

(a) in the first proviso, for the words “one-third” the words “one-half” shall be substituted ;

(b) in the second proviso, the words “and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes, or as the case may be, the Scheduled Tribes” shall be deleted ;

(2) in clause (c), in the proviso, for the words “one- third” the words “one-half” shall be substituted ;

(3) in clause (d), for the words “one- third” the words “one - half” shall be substituted.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

C.P. and Berar 1948,—
II of 1950.

4. In section 9A of the City of Nagpur Corporation Act, Amendment of section 9A of C.P. and Berar II of 1950.

(1) in sub-section (2),—

(a) in the first proviso, for the words "one-third" the words "one-half" shall be substituted;

(b) in the second proviso, the words "and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes or, as the case may be, the Scheduled Tribes" shall be deleted;

(2) in sub-section (3), in the proviso, for the words "one-third" the words "one-half" shall be substituted;

(3) in sub-section (4), for the words "one-third" the words "one-half" shall be substituted.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965.

5. In section 9 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (2),— Amendment of section 9 of Mah. XL of 1965.

(1) in clause (b), for the words "one-third" the words "one-half" shall be substituted;

(2) in clause (c), in the proviso,—

(a) for the words "one-third" the words "one-half" shall be substituted;

(b) the words "and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes or, as the case may be, to the Scheduled Tribes" shall be deleted;

(3) in clause (d), in the proviso, for the words "one-third" the words "one-half" shall be substituted.

CHAPTER VI

MISCELLANEOUS.

Power to
remove
difficulties.

6. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act or by reason of anything contained therein, or in giving effect to any of those Acts in respect of the matters contained in this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing such difficulty:

Bom. III
of 1888.

Bom. LIX
of 1949.

C.P and
Berar II of
1950.

Mah. XL
of 1965.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of State Legislature.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक २८(२)]

बुधवार, ऑगस्ट १०, २०११/श्रावण १९, शके १९३३

[पृष्ठे ३, किंमत : रुपये १४.००

असाधारण क्रमांक ८०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2011 (Mah. Act No. XXVI of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVI OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 10th August 2011).

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and,

Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

therefore, promulgated the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2011, on the 26th May 2011 ;

Mah.
Ord.
XIII
of
2011.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 26th May 2011.

Amendment
of section 5
of Bom.
LIX of
1949.

2. In section 5 of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (3), for the words "elect only one Councillor" the words "elect as far as possible two Councillors but not less than two and not more than three Councillors, and each voter shall, notwithstanding anything contained in this Act, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward " shall be substituted.

Bom.
LIX
of
1949.

Amendment
of section 9
of C.P.
and Berar
II of 1950.

3. In section 9 of the City of Nagpur Corporation Act, 1948, in sub-section (2), for the words "elect only one Councillor" the words "elect as far as possible two Councillors but not less than two and not more than three Councillors, and each voter shall, notwithstanding anything contained in this Act, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward" shall be substituted.

C.P.
and
Berar
II of
1950.

Amendment
of section
10 of Mah.
XL of 1965.

4. In section 10 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for sub-section (2), the following sub-section shall be substituted, namely :—

Mah.
XL
of
1965.

"(2) Each of the wards shall elect as far as possible four Councillors but not less than three and not more than five Councillors, and each voter shall, notwithstanding anything contained in sub-section (2) of section 14, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward."

Repeal of
Mah. Ord.
XIII of
2011 and
saving.

5. (1) The Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2011, is hereby repealed.

Mah.
Ord.
XIII
of
2011.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Bom.
LIX of
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL of
1965.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३०]

मंगळवार, ऑगस्ट १६, २०११/श्रावण २५, शके १९३३

[पृष्ठे १०, किंमत : रुपये १४.००

असाधारण क्रमांक ८६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010 (Mah. Act No. XXIX of 2011), is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXIX OF 2011

(First published after having received the assent of the President in the "Maharashtra Government Gazette", on the 16th August 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.
Mah.
XI. of
1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965. for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL
CORPORATION ACT

Insertion of
heading and
sections 64A
to 64D in
Bom. III of
1888.

2. After section 64 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following heading and sections shall be inserted, namely:—

Bom.
III of
1888.

"Prevention of delay in discharge of official duties"

Citizens'
Charter.

64A. (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah.
XXIX
of
2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation
of power.

64B. (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

Mah.
XXIX
of
2011.

64C. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible :

Disciplinary
action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days :

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

64D. Nothing in section 64C shall apply to,—

- (i) sub-judice matters ;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments ;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”

Non-
application
of provi-
sions of
section 64C
in certain
circum-
stances.

Insertion of section 86A in Bom. III of 1888.

Sanction for prosecution of officers and servants of Corporation.

3. After section 86 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

“86A. Notwithstanding anything contained in this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Insertion of section 59A in Bom. LIX of 1949.

4. After section 59 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), the following section shall be inserted, namely :—

Bom. LIX of 1949.

Sanction for prosecution of officers and servants of Corporation.

“59A. Notwithstanding anything contained in section 53 or any other provisions of this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation.”

Insertion of heading and sections 72A to 72D in Bom. LIX of 1949.

5. After section 72 of the Provincial Corporations Act, the following heading and sections shall be inserted, namely :-

“Prevention of delay in discharge of official duties

Citizens' Charter.

72A. (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah. XXIX of 2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation of powers.

72B. (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

Mah.
XXIX
of
2011.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

72C. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible:

Disciplinary
action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days:

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

Non-application of provisions of section 72C in certain circumstances.

72D. Nothing in section 72C shall apply to,—

- (i) sub-judice matters;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Insertion of section 53A in C.P. and Berar II of 1950. Sanction for prosecution of officers and servants of Corporation.

6. After section 53 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred, to as “the Nagpur Corporation Act”), the following section shall be inserted, namely :—

C.P. and Berar II of 1950.

“**53A.** Notwithstanding anything contained in section 49, 50 or any other provisions of this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation.”.

Insertion of heading and sections 59-IA, 59-IB, 59-IC and 59-ID in C.P. and Berar II of 1950.

7. After section 59 of the Nagpur Corporation Act, the following heading and sections shall be inserted, namely :—

“Prevention of delay in discharge of official duties

Citizens' Charter

59-IA. (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah. XXIX of 2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

59-IB. (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision. Delegation
of powers.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

Mah.
XXIX
of
2011.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

59-IC. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible: Disciplinary
action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such

derelection on part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such derelection of duty in the Annual Confidential Report of such Municipal Officer or servant.

Non-application of provisions of section 59-IC in certain circumstances.

59-ID. Nothing in section 59-IC shall apply to,—

- (i) sub-judice matters ;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc. ;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Insertion of heading and sections 78A to 78D in Mah. XL of 1965.
Citizens' Charter.

8. After section 78 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following heading and sections shall be inserted, namely :—

Mah. XL of 1965.

“Prevention of delay in discharge of official duties

78A. (1) The Chief Officer shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Council, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah. XXIX of 2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation of powers.

78B. (1) The Chief Officer shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Chief Officer shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Council.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

Mah. XXIX of 2011.

78C. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible : Disciplinary action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days :

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Council and not required to be submitted to any Statutory Committee, the concerned Department of the Council shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

78D. Nothing in section 78C shall apply to,-

- (i) sub-judice matters ;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions."

Non-application of provisions of section 78C in certain circumstances.

CHAPTER VI

MISCELLANEOUS

Power to
remove
difficulties.

9. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of those Acts :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३१(३)] गुरुवार, ऑगस्ट १८, २०११/श्रावण २७, शके १९३३ [पृष्ठे १९, किंमत : रुपये १४.००

असाधारण क्रमांक ८९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Second Amendment) Act, 2011 (Mah. Act No. XXXII of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXII OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 18th August 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.

Corporations (Second Amendment) Ordinance, 2011, on the 21st May 2011 ;

Mah.
Ord.
XII of
2011.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Second Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 21st May 2011.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 16 of Bom. III of 1888.

2. In section 16 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), after sub-section (1), the following sub-section shall be inserted, namely :—

Bom. III
of 1888.

"(1-1A) If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification."

3. Section 36 of the Mumbai Corporation Act shall be re-numbered as sub-section (1) thereof ; and,—

Amendment of section 36 of Bom. III of 1888.

(a) in sub-section (1), as so re-numbered, for clause (t), the following clause shall be substituted, namely :—

“(t) the Commissioner or where the Commissioner is unable to attend owing to absence or illness or for any other reasonable cause, an officer not below the rank of the Deputy Commissioner, shall have the same right of being present at a meeting of the corporation and of taking part in the discussions thereat as a Councillor, and with the permission of the Mayor, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon or to make any proposition at such meeting. Where the Commissioner, or any such officer desires to make a statement or explanation of facts at a meeting and the permission as aforesaid is not given, the Commissioner or any such officer shall be entitled to lay a copy thereof on the Table of the House. But when required by the corporation or the Mayor, the Commissioner shall himself attend the meeting of the corporation, unless he is prevented from doing so on account of absence, illness or any other reasonable cause;”;

(b) after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

“(2) Where, any proposal of the Commissioner requires sanction or approval of the corporation, the corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.”.

4. In section 37 of the Mumbai Corporation Act, after sub-section (7), the following sub-section shall be added, namely :—

Amendment of section 37 of Bom. III of 1888.

“(8) The Mayor or the Deputy Mayor may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or, as the case may be, Deputy Mayor during the remainder term of his office :

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.”.

Insertion of sections 53A and 53B in Bom. III of 1888.

5. After section 53 of the Mumbai Corporation Act, the following sections shall be inserted, namely :—

Exercise of powers and discharge of duties of any committee by corporation.

“ 53A. If, any committee or special committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the corporation until such committee is constituted or in a position to exercise its powers or discharge its duties.

Removal of Chairman or Deputy Chairman of committees.

53B. The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the committee as specified by or under this Act, and the Chairman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under this section shall not affect his continuance as a Councillor for the remainder term of his office.”.

Amendment of section 60A of Bom. III of 1888.

6. In section 60A of the Mumbai Corporation Act, sub-section (3) shall be deleted.

Amendment of section 60D of Bom. III of 1888.

7. In section 60D of the Mumbai Corporation Act, sub-section (2) shall be deleted.

Amendment of section 64 of Bom. III of 1888.

8. In section 64 of the Mumbai Corporation Act, after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) Where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the

Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by such committee and a report to that effect shall be made by the Commissioner to the corporation :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.”

9. In section 69 of the Mumbai Corporation Act, in clause (c),—

Amendment of section 69 of Bom. III of 1888.

(a) for the words “ten lakhs but not exceeding rupees fifteen lakhs” the words “fifty lakhs but not exceeding rupees seventy-five lakhs” shall be substituted;

(b) for the words “excess of fifteen lakh rupees” the words “excess of seventy-five lakhs rupees” shall be substituted;

(c) before the first proviso, the following proviso shall be inserted, namely :—

“Provided that, every contract made by the Commissioner involving an expenditure exceeding five lakhs rupees and not exceeding seventy-five lakhs rupees shall be reported by him within fifteen days after the same has been made to the Standing Committee.”;

(d) in the first proviso,—

(i) for the words “Provided that” the words “Provided further that” shall be substituted;

(ii) for the words “one crore rupees” the words “seven crore fifty lakhs rupees” shall be substituted;

(e) in the second proviso,—

(i) for the words “Provided further that” the words and figures “Provided also that, notwithstanding anything contained in section 64,” shall be substituted ;

(ii) the following *Explanation* shall be added, namely :—

“*Explanation.*—For the purposes of this clause, the period of “thirty days from the receipt” shall be reckoned from the date of the meeting of the standing committee held immediately after the proposal is received in the office of the Municipal Secretary whether the item pertaining to such proposal is taken on the agenda of such meeting or not.”

10. In section 70 of the Mumbai Corporation Act, in sub-section (2),—

Amendment of section 70 of Bom. III of 1888.

(a) for the words “two members of the standing committee” the words “any two persons from amongst any two members of the standing committee, Municipal Secretary and any officer, not below the rank of Deputy Municipal Commissioner, as may be authorised by the Commissioner” shall be substituted;

(b) for the words “the said two members of the standing committee” the words “the said two persons” shall be substituted;

(c) for the words “the said members” the words “the said two persons” shall be substituted;

(d) in the proviso, the words “in lieu of two members of the standing committee” shall be deleted.

Amendment of
section 72 of
Bom. III of
1888.

11. In section 72 of the Mumbai Corporation Act,—

(1) in sub-section (1),—

(a) for the words “fifty thousand rupees” the words “three lakhs rupees” shall be substituted ;

(b) the following proviso shall be added, namely :—

“Provided that, the notice of any tender for contract not exceeding the amount of three lakhs rupees shall be uploaded on the official website of the corporation.”;

(2) in the marginal note, for the letters and figures “Rs. 50,000” the words “ three lakhs rupees” shall be substituted.

Insertion of
section 106A
in Bom. III of
1888.

12. After section 106 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

“ 106A. Notwithstanding anything contained in section 106, except with the prior approval of the State Government, neither any internal loan shall be taken by the corporation from any of the funds created by the corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the corporation .”.

Restrictions on
utilisation of
funds created
by corporation.

Amendment of
section 122 of
Bom. III of
1888.

13. In section 122 of the Mumbai Corporation Act, in sub-section (1), after the words “public securities” the words “or in bonds or debentures of the Central Government, State Government, Government Undertakings, Government Financial Institutions or Unit Trust of India” shall be added.

Insertion of
section 129A
in Bom. III of
1888.

14. After section 129 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

“129A. Notwithstanding anything contained in this Act, if for any reason the corporation has not finally adopted the budget estimates before the commencement of the official year to which they relate, the statement of expenditure and income prepared by the Commissioner under section 125 shall be deemed to be the budget estimates for the year until the corporation duly adopts the budget estimates as per the provisions of this Act.”.

Estimates of
expenditure
and income
deemed to be
budget
estimates.

Amendment of
section 520B
of Bom. III of
1888.

15. In section 520B of the Mumbai Corporation Act, in sub-section (1), after the words “against the interests of the public” the words “or is likely to be against the financial interests of the corporation or against the larger public interest” shall be inserted.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Bom. LIX of 1949. 16. In section 10 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment of section 10 of Bom. LIX of 1949.

"(1-1A) If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification."

17. In section 19 of the Provincial Corporations Act, after sub-section (5), the following sub-section shall be added, namely :—

Amendment of section 19 of Bom. LIX of 1949.

"(6) The Mayor or the Deputy Mayor may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or, as the case may be, Deputy Mayor during the remainder term of his office:

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.”

Insertion of sections 35A and 35B in Bom. LIX of 1949.

18. After section 35 of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Exercise of powers and discharge of duties of any committee by corporation.

“35A. If, any committee or special committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the Corporation until such committee is constituted or in a position to exercise its powers or discharge its duties.

Removal of Chairman and Deputy Chairman of committees.

35B. The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Chairman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under the provisions of this section shall not affect his continuance as a Councillor for the remainder term of his office.”

Insertion of section 39A in Bom. LIX of 1949.

19. After section 39 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Appointment of Additional Municipal Commissioners.

“39A. (1) The State Government may create one or more posts of Additional Municipal Commissioners in the Corporation and appoint suitable persons on such posts, who shall, subject to the control of the Commissioner, exercise all or any of the powers and perform all or any of the duties and functions of the Commissioner.

(2) Every person so appointed as the Additional Municipal Commissioner shall be subject to the same liabilities, restrictions and terms and conditions of service, to which the Commissioner is subjected to as per the provisions of this Act.”

20. In section 43 of the Provincial Corporations Act, for sub-section (2), the following sub-section shall be substituted, namely :—

Amendment of section 43 of Bom. LIX of 1949.

“(2) The Commissioner or an officer not below the rank of the Deputy Commissioner present on behalf of the Commissioner shall have the right to speak at, and otherwise take part in, any meeting of the Corporation or any Committee thereof and express his views in the meeting with the permission of the Mayor or the presiding authority of the Committee, but he shall not be entitled to vote or to make any proposition.”.

21. In section 51 of the Provincial Corporations Act,—

Amendment of section 51 of Bom. LIX of 1949.

(a) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) No new posts of the officers and servants of the Corporation shall be created without the prior sanction of the State Government:

Provided that, the decision of the Government on a proposal complete in all respects, received from the Corporation for creation of posts shall be communicated to the Corporation within ninety days from the date of the receipt of such proposal by the Government.”;

(b) for *Explanation*, the following *Explanation* shall be substituted, namely :—

“*Explanation*.— Any revision of pay scale or pay structure or grant of special pay, or grade, or revision of allowances (excluding dearness allowance) or change in designation shall be deemed, for the purposes of sub-section (4), to be the creation of a new post.”.

22. In section 53 of the Provincial Corporations Act,—

Amendment of section 53 of Bom. LIX of 1949.

(a) in sub-section (1),—

(i) for the words “whose minimum monthly salary exclusive of allowances is or exceeds four hundred rupees” the words “to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner” shall be substituted ;

(ii) in the proviso, for the words “carrying a monthly salary of rupees four hundred or more exclusive of allowances” the words “to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner” shall be substituted;

(b) in sub-section (3), in the second proviso, for the words “carrying a monthly salary of more than one hundred rupees exclusive of allowances” the words “carrying a salary equivalent to or higher in rank than the post of Clerk” shall be substituted.

Amendment
of section 56
of Bom. LIX
of 1949.

23. In section 56 of the Provincial Corporations Act, in sub-section (1),—

(a) in the proviso,—

(i) for the words “whose monthly salary, exclusive of allowances exceeds one thousand rupèes” the words “holding the post equivalent to or higher in rank than the post of the Assistant Commissioner” shall be substituted;

(ii) for the words “Standing Committee” the word “Corporation” shall be substituted;

(b) after the proviso, the following *Explanation* shall be added, namely :—

Explanation.—For the purposes of this section and section 53, a post shall be deemed to be of a rank equivalent to another post if the minimum and maximum pay in the pay scale of both the posts are same. A post shall be deemed to be of a rank higher than another post, if the minimum pay in pay scale of former is at least equivalent to the later, but the maximum is higher than the later. In respect of the pay structure, a post shall be deemed to be of a rank equivalent to, or higher than another post, if the grade pay in pay structure of the former is equivalent to or higher than the later, respectively.”

Amendment of
section 73 of
Bom. LIX of
1949.

24. In section 73 of the Provincial Corporations Act,—

(a) for clause (c), the following clause shall be substituted, namely:—

“(c) no contract, other than a contract relating to the acquisition of immovable property or any interest therein or any right thereto, which will involve an expenditure exceeding rupees twenty-five lakhs but not exceeding rupees fifty lakhs shall be made by the Commissioner, unless the same is previously approved by the Mayor. However, the total amount of all contracts approved by the Mayor shall not exceed rupees two crores and fifty lakhs during a year. Subject to the above, for any contract which involves an expenditure in excess of rupees twenty-five lakhs, the previous approval of the Standing Committee shall be necessary :

Provided that, notwithstanding anything contained in Schedule ‘D’, in Chapter II, in rule 3, in clause (k), where the approval of the Standing Committee is sought by the Commissioner for any contract, the Standing Committee shall consider and dispose of the proposal made by the Commissioner in that behalf within fifteen days reckoned from the date of the meeting of the Standing Committee held immediately after the proposal is received by it, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the approval to such contract shall be deemed to have been given by the Standing Committee

and a report to that effect shall be made by the Commissioner to the Corporation.”;

(b) in clause (d),—

(i) for the words “fifty thousand” the words “five lakhs” shall be substituted ;

(ii) for the words “ten lakhs” the words “twenty-five lakhs” shall be substituted.

25. In section 79 of the Provincial Corporations Act, in clause (g), after the words “to a co-operative society of slum-dwellers”, the following shall be inserted, namely:—

Amendment of section 79 of Bom. LIX of 1949.

“or to persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to the Co-operative Housing Society formed exclusively by persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to any Department or undertaking of the Government of Maharashtra or of the Government of India, for the public purposes or to a public trust exclusively for medical and educational purposes registered under the Bombay Public Trusts Act, 1950; or to a society registered under the Societies Registration Act, 1860 or the Maharashtra Co-operative Societies Act, 1960 or a company registered under the Companies Act, 1956 or any person for the purposes of the provision of public latrines, urinals and similar conveniences or construction of a plant for processing excrementitious or other filthy matters or garbages”.

Bom. XXIX of 1950. XXI of 1860. Mah. XXIV of 1961. I of 1956.

26. In section 92 of the Provincial Corporations Act, in sub-section (1), after the words “public securities” the words “or in bonds or debentures of the Central Government, State Government, Government Undertakings, Government Financial Institutions or Unit Trust of India” shall be added.

Amendment of section 92 of Bom. LIX of 1949.

27. After section 100 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Insertion of section 100A in Bom. LIX of 1949.

“100A. Notwithstanding anything contained in this Act, if for any reason the Standing Committee has not laid budget estimates before Corporation, due to which or otherwise the Corporation has not finally adopted the budget estimates before the commencement of the official year to which they relate, the estimates of income and expenditure prepared by the Commissioner under section 95 shall be deemed to be the budget estimates for the year until the Corporation duly adopts the budget estimates as per the provisions of this Act.”.

Estimates of income and expenditure deemed to be budget estimates.

Insertion of
section 109A
in Bom. LIX of
1949.

28. After section 109 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Restrictions
on utilisation
of funds
created by
Corporation.

“ 109A. Notwithstanding anything contained in section 109, except with the prior approval of the State Government, neither any internal loan shall be taken by the Corporation from any of the funds created by the Corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the Corporation.”.

Amendment
of section
451 of
Bom. LIX of
1949.

29. In section 451 of the Provincial Corporations Act, in sub-section (1), after the words “ against the interests of the public, ” the words “ or is likely to be against the financial interests of the Corporation or against larger public interest, ” shall be inserted.

Amendment
of Chapter
II of
Schedule
'D' of Bom.
LIX of
1949.

30. In Schedule ' D ' of the Provincial Corporations Act, in Chapter II,—

(a) in rule 1, after clause (r), the following clause shall be added, namely :—

“ (s) where, any proposal of the Commissioner requires sanction or approval of the Corporation, the Corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the Corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the Corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force. ” ;

(b) in rule 3, after clause (j), the following clause shall be added, namely :—

“ (k) where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing

which the sanction or approval to such proposal shall be deemed to have been given by such committee and the report to that effect shall be made by the Commissioner to the Corporation :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force."

31. In Schedule 'D' of the Provincial Corporations Act, in Chapter V,—

Amendment
of Chapter
V of
Schedule
'D' of
Bom. LIX
of 1949.

(a) in rule 1, in sub-rule (2),—

(i) for the words "two members of the Standing Committee" the words "any two persons from amongst any two members of the Standing Committee, Municipal Secretary and any officer not below the rank of Deputy Municipal Commissioner, as may be authorised by the Commissioner" shall be substituted ;

(ii) after the words "every contract or other instrument" the words "other than contract relating to the acquisition of immovable property or interest therein or a right thereto" shall be inserted;

(iii) for the words "the said two members of the Standing Committee" the words "the said two persons" shall be substituted ;

(iv) for the words "the said members" the words "the said two persons" shall be substituted ;

(b) in rule 2, in sub-rule (1),—

(i) for the words "three thousand" the words "two lakhs" shall be substituted ;

(ii) the following proviso shall be added, namely :—

"Provided that, the notice of any tender for contract below the amount of two lakhs rupees shall be uploaded on the official website of the Corporation."

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P. and Berar II of 1950. **32.** In section 15 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment
of section
15 of C.P.
and Berar
II of 1950.

"(1-1A) If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as

the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification.”.

Amendment of section 20 of C.P. and Berar II of 1950. **33.** In section 20 of the Nagpur Corporation Act, after sub-section (7), the following sub-section shall be added, namely :—

“(8) The Mayor or Deputy Mayor may be removed from office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or, as the case may be, Deputy Mayor during the remainder term of his office :

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.”.

Amendment of section 25 of C.P. and Berar II of 1950. **34.** In section 25 of the Nagpur Corporation Act, in sub-section (2), for the word “Commissioner” the words “the Chairman of the Standing Committee” shall be substituted.

Insertion of section 35A in C.P. and Berar II of 1950. **35.** After section 35 of the Nagpur Corporation Act, the following section shall be inserted, namely:—

Meetings of Standing Committee. **“35A.** There shall be a meeting of the Standing Committee at least once in a week and at such other time as shall be found necessary.”.

Insertion of section 38-1A in C.P. and Berar II of 1950. **36.** After section 38 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

“38-1A. (1) Where, any proposal of the Commissioner requires sanction or approval of the Corporation, the Corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the Corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the Corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government.

Deemed sanction.

(2) Where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by such committee and a report to that effect shall be made by the Commissioner to the Corporation :

Provided that, any such deemed sanction or approval under subsection (1) or (2) shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.”

37. After section 40 of the Nagpur Corporation Act, the following section shall be inserted, namely:—

Insertion of section 40A in C.P. and Berar II of 1950.

“40A. Frequency of the meetings of the Special Consultative Committees and Special Committees, submission of reports and other matters before such committees shall be regulated in the manner as may be prescribed.”

Meetings of Special Consultative Committees and Special Committees and submission of reports.

38. After section 43 of the Nagpur Corporation Act, the following sections shall be inserted, namely :—

Insertion of sections 43A and 43B in C.P. and Berar II of 1950.

“43A. If, any committee or Special Committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the Corporation until such committee is constituted or in a position to exercise its powers or discharge its duties.

Exercise of powers and discharge of duties of any committee by Corporation.

Removal of
Chairman
and Deputy
Chairman
of
committees.

43B. The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the committee as specified by or under this Act, and the Chairman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under this section shall not affect his continuance as a Councillor for the remainder term of his office.”

Insertion of
section 48A
in C.P. and
Berar II of
1950.

39. After section 48 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Appointment
of
Additional
Municipal
Commissioners.

“**48A. (1)** The State Government may create one or more posts of Additional Municipal Commissioners in the Corporation and appoint suitable persons on such posts, who shall, subject to the control of the Commissioner, exercise all or any of the powers and perform all or any of the duties and functions of the Commissioner.

(2) Every person so appointed as the Additional Municipal Commissioner shall be subject to the same liabilities, restrictions and terms and conditions of service, to which the Commissioner is subjected to as per the provisions of this Act.”

Amendment
of section
49 of C.P.
and Berar
II of 1950.

40. In section 49 of the Nagpur Corporation Act, in sub-section (1), after the words “Deputy Municipal Commissioner” the words “and Assistant Municipal Commissioner” shall be inserted.

Amendment
of section
50 of C.P.
and Berar
II of 1950.

41. In section 50 of the Nagpur Corporation Act,—

(1) in sub-section (1),—

(a) the words “the maximum salary of which exceeds one thousand rupees per month” shall be deleted ;

(b) before the existing proviso, the following proviso shall be inserted, namely :—

“Provided that, the decision of the Government on a proposal complete in all respects, received from the Corporation for creation of posts shall be communicated to the Corporation within ninety days from the date of the receipt of such proposal by the Government.”;

(c) in the existing proviso,—

(i) for the words “Provided that” the words “Provided further that” shall be substituted ;

(ii) in clause (1), for the words “whose minimum monthly salary is not less than six hundred rupees” the words “to the posts equivalent to or higher than the post of the Assistant Commissioner” shall be substituted ;

(iii) clause (2) shall be deleted ;

(iv) after clause (4), the following *Explanation* shall be inserted, namely :—

“*Explanation.*—Any revision of pay scale or pay structure or grant of special pay, or grade or revision of allowances (excluding dearness allowance) or change in designation shall be deemed, for the purposes of sub-section (1), to be the creation of a new post.”;

(2) after sub-section (3), the following *Explanation* shall be added, namely:—

“*Explanation.*—For the purposes of this section, a post shall be deemed to be of a rank equivalent to another post if the minimum and maximum pay in the pay scale of both the posts are same. A post shall be deemed to be of a rank higher than another post, if the minimum pay scale of former is at least equivalent to the later, but the maximum pay is higher than the later. In respect of the pay structure, a post shall be deemed to be of a rank equivalent to, or higher than another post, if the grade pay in pay structure of the former is equivalent to or higher than the later, respectively.”.

42. After section 51 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 51A in C.P. and Berar II of 1950.

“51A. (1) There shall be a Staff Selection Committee consisting of the Commissioner or any other officer designated by him in this behalf, the Municipal Chief Auditor, the Head of the Department concerned and one officer nominated by the Commissioner.

Constitution of Staff Selection Committee.

(2) The Staff Selection Committee shall, in the manner prescribed select candidates for all appointments in the municipal service other than appointments referred to in sub-section (1) of section 53 and other than those which the Corporation may, with the previous approval of the State Government, by order specify in this behalf, unless it is proposed to fill the post from amongst persons already in

the municipal service fulfilling the eligibility criteria, of age, qualification and experience, or unless the appointment is of a temporary character and is not likely to last for more than six months.

(3) Every authority competent to make appointments in the municipal service shall make appointments of the candidates so selected in accordance with the directions given by the Staff Selection Committee.”

Amendment
of section
53 of C.P.
and Berar
II of 1950.

43. In section 53 of the Nagpur Corporation Act, in sub-section (2), the proviso shall be deleted.

Amendment
of section
63 of C.P.
and Berar
II of 1950.

44. In section 63 of the Nagpur Corporation Act,—

(a) in clause (c),—

(i) for the words “ten lakhs” the words “twenty-five lakhs” shall be substituted ;

(ii) for the words “fifteen lakhs”, at both the places where they occur, the words “fifty lakhs” shall be substituted ;

(iii) for the words “one crore” the words “two crores and fifty lakhs” shall be substituted ;

(iv) in the proviso, for the words “the Standing Committee shall” the words, brackets, figures and letter “notwithstanding anything contained in sub-section (2) of section 38-1A, the Standing Committee shall” shall be substituted ;

(v) after the proviso, the following *Explanation* shall be added, namely :—

“*Explanation.*—For the purposes of this clause, the expression “date of receipt” means the date of the meeting of the Standing Committee held immediately after the proposal is received in the office of the Municipal Secretary whether the item pertaining to such proposal is taken on the agenda of such meeting or not.” ;

(b) in clause (d), for the words “two lakhs rupees but not exceeding ten lakhs rupees” the words “five lakhs rupees but not exceeding twenty-five lakhs rupees” shall be substituted.

Amendment
of section
64 of C.P.
and Berar
II of 1950.

45. In section 64 of the Nagpur Corporation Act,—

(1) in sub-section (1),—

(a) for the words “fifty thousand” the words “two lakhs” shall be substituted ;

(b) the following proviso shall be added, namely :—

“Provided that, the notice of any tender for contract not exceeding the amount of two lakhs rupees shall be uploaded on the official website of the Corporation.” ;

(2) in the marginal note, for the words “fifty thousand” the words “two lakhs” shall be substituted.

46. In section 83 of the Nagpur Corporation Act, after the words "public securities as the State Government may prescribe in this behalf" the words "or may be invested in bonds or debentures of the Central Government, State Government, Government Undertakings, Government Financial Institutions or Unit Trust of India" shall be added.

Amendment of section 83 of C.P. and Berar II of 1950.

47. After section 90 of the Nagpur Corporation Act, the following section shall be inserted, namely:—

Insertion of section 90A in C.P. and Berar II of 1950.

"90A. Notwithstanding anything contained in section 90, except with the prior approval of the State Government, neither any internal loan shall be taken by the Corporation from any of the funds created by the Corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the Corporation."

Restrictions on utilisation of funds created by Corporation.

48. In section 407 of the Nagpur Corporation Act, in sub-section (1), after the words "damage to Municipal funds," the words "or is likely to be against the financial interests of the Corporation or against the larger public interest," shall be inserted.

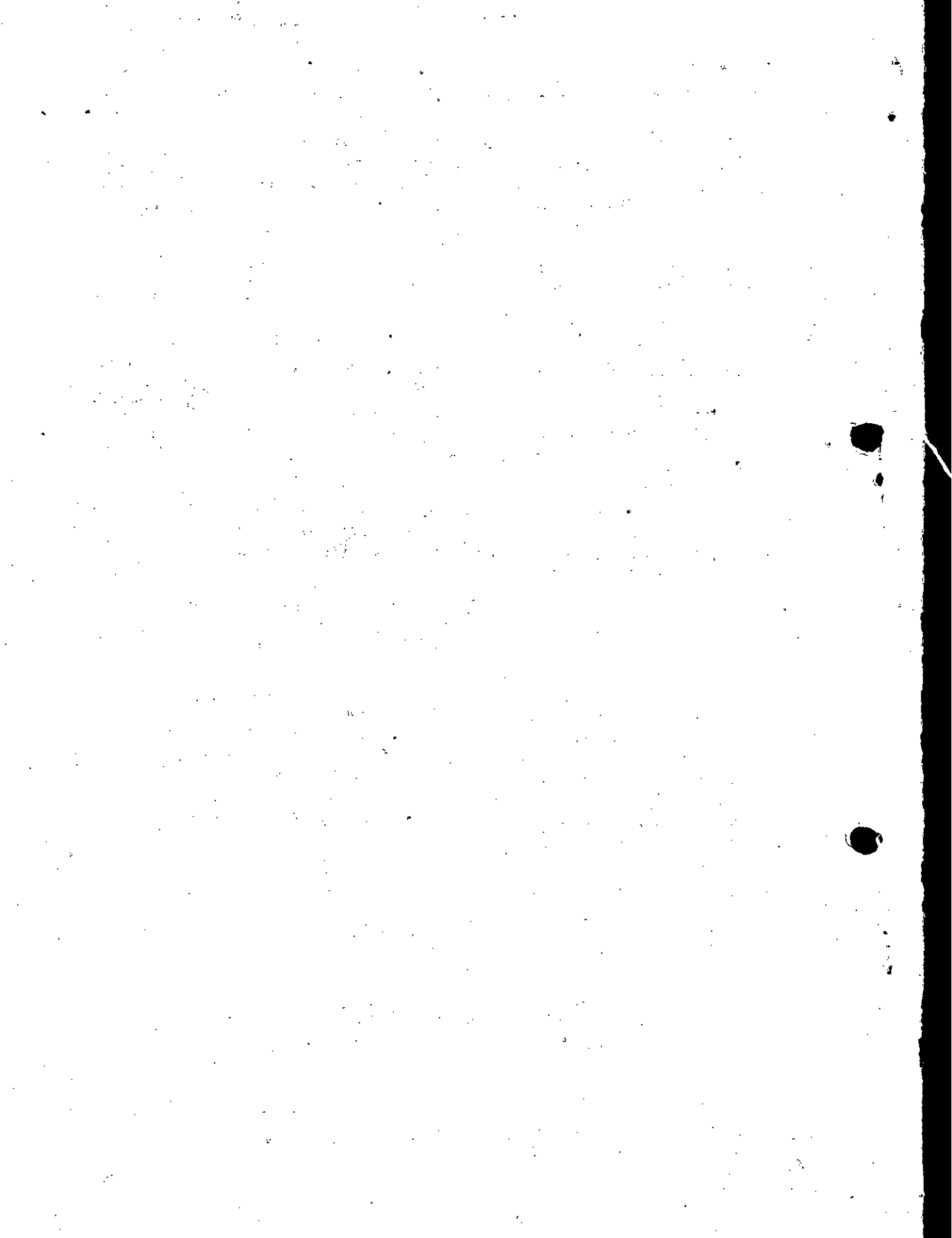
Amendment of section 407 of C.P. and Berar II of 1950.

Mah Ord. XII of 2011. 49. (1) The Maharashtra Municipal Corporations (Second Amendment) Ordinance, 2011 is hereby repealed.

Repeal of Mah. Ord. XII of 2011 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Bom. III of 1888.
Bom. LIX of 1949.
C.P. and Berar II of 1950.





महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ४९ (२)]

बुधवार, डिसेंबर २८, २०११/पौष ७, शके १९३३

[पृष्ठे ३, किंमत : रुपये २०.००

असाधारण क्रमांक १२६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Third Amendment) Act, 2011 (Mah. Act No. XL of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XL OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 28th December 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Third Amendment) Act, 2011.

Short title
and
commencement.

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

(२)

CHAPTER II

AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of section 78F in Bom. III of 1888.

2. After section 78E of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

Bom. III of 1888.

Power of State Government to notify posts to be filled in by deputation.

“ 78F. (1) Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under the corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government, for this purpose :

Provided that, every such notification shall be laid before each House of the State Legislature after it is issued.

(2) Every notification issued under sub-section (1), specifying the posts or class of posts, shall contain the description of the cadre of officers (hereinafter referred to as “ the feeder cadre ”), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the corporation, on the date of issuing the notification under sub-section (1). ”

CHAPTER III

AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATION ACT, 1949.

Insertion of section 45B in Bom. LIX of 1949.

3. After section 45A of the Bombay Provincial Municipal Corporations Act, 1949, the following section shall be inserted, namely :—

Bom. LIX of 1949.

Power of State Government to notify posts to be filled in by deputation.

“ 45 B. (1) Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under any Corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government, for this purpose :

Provided that, every such notification shall be laid before each House of the State Legislature, after it is issued.

(2) Every notification issued under sub-section (1) specifying the posts or class of posts, shall contain the description of the cadre of

officers (hereinafter referred to as "the feeder cadre"), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the concerned Corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the Corporation, on the date of issuing the notification under sub-section (1)."

CHAPTER IV

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

C.P. and
Berar II
of 1950.

4. After section 51 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

Insertion of
section 51A
in C.P. and
Berar II of
1950.

Power of
State
Government
to notify
posts to be
filled in by
deputation.

"51A. (1) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under the Corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government for this purpose :

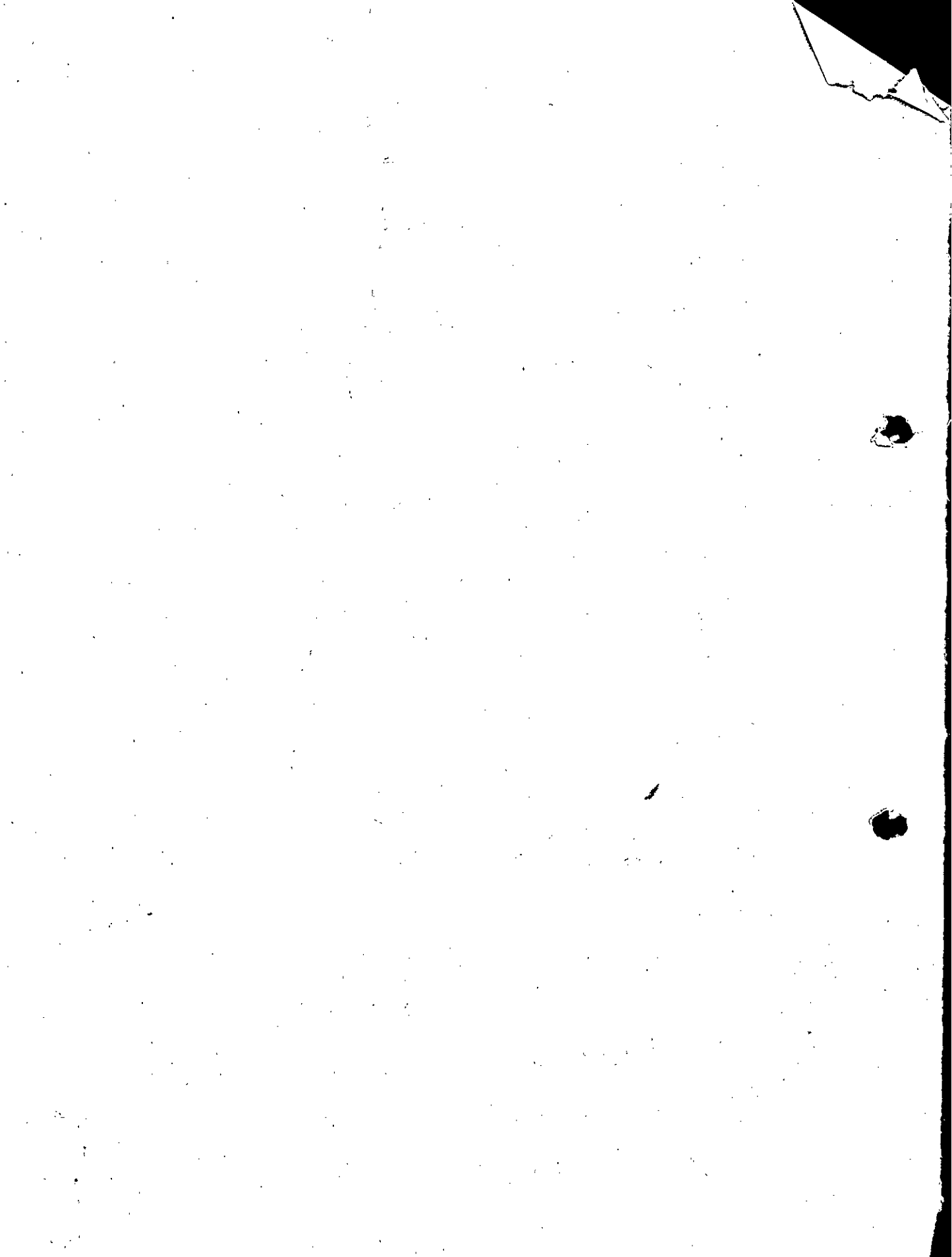
Provided that, every such notification shall be laid before each House of the State Legislature after it is issued.

(2) Every notification issued under sub-section (1) specifying the posts or class of posts, shall contain the description of the cadre of officers (hereinafter referred to as "the feeder cadre"), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the Corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the Corporation, on the date of issuing the notification under sub-section (1)."





महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ४९(४)]

बुधवार, डिसेंबर २८, २०११/पौष ७, शके १९३३

[पृष्ठे ३, किंमत : रुपये १४.००

असाधारण क्रमांक १२८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2011 (Mah. Act No. XLII of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government;
Law and Judiciary Department.

MAHARASHTRA ACT No. XLII OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 28th December 2011).

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and,

Bom.
LIX
of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL
of
1965.

(१)

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, डिसेंबर २८, २०११/पोष ७, शके १९३३

therefore, promulgated the City of Nagpur Corporation (Amendment) Ordinance, 2011, on the 29th August 2011 and the Bombay Provincial Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2011, on the 24th October 2011 ;

Mah.
Ord.
XVIII
of 2011.

Mah.
Ord. XX
of 2011.

AND WHEREAS it is expedient to replace the said Ordinances by a consolidated Act of the State Legislature ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2011.

(2) (i) Sections 1 and 3 of this Act shall be deemed to have come into force on the 29th August 2011..

(ii) Sections 2, 4 and 5 of this Act shall be deemed to have come into force on the 24th October 2011.

CHAPTER II AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment
of section 3
of Bom.
LIX of
1949.

2. In section 3 of the Bombay Provincial Municipal Corporations Act, 1949, to sub-section (4), the following proviso shall be added, namely :—

Bom.
LIX
of
1949.

“ Provided that, where the population of any urban area, in respect of which a Council has been constituted under the provisions of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as per the latest census figures has exceeded three lakhs, the State Government may, for the purpose of constituting a Corporation under this Act for such urban area, with the same boundaries, dispense with the condition of previous publication of the notification under this section.”

Mah.
XL
of
1965.

CHAPTER III

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Amendment
of section 9
of C.P. and
Berar II of
1950.

3. In section 9 of the City of Nagpur Corporation Act, 1948, in sub-section (1), in clause (a), for the words “one hundred thirty-six” the words “one hundred forty-five” shall be substituted.

C.P.
and
Berar
II of
1950.

CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS*
AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah. XL of 1965. 4. In section 6 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, to sub-section (2), the following proviso shall be added, namely :—

Amendment of section 6 of Mah. XL of 1965.

“ Provided that, the State Government may dispense with the provisions of sub-sections (3), (4) and (5) of section 3 regarding proclamation and of the proviso to sub-section (1) of this section regarding consultation, in respect of the municipal area, where the population, as per the latest census figures has exceeded three lakhs; and a Corporation under the provisions of the Bombay Provincial Municipal Corporations Act, 1949, is being constituted for such area, with the same boundaries.”

Bom. LIX of 1949.

CHAPTER V

MISCELLANEOUS

Bom. LIX of 1949. Mah. XL of 1965. 5. (1) If any difficulty arises in giving effect to the provisions of the Bombay Provincial Municipal Corporations Act, 1949 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by order published in the *Official Gazette*, do anything not inconsistent with the provisions of the relevant law, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Power to remove difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the respective section of this Act.

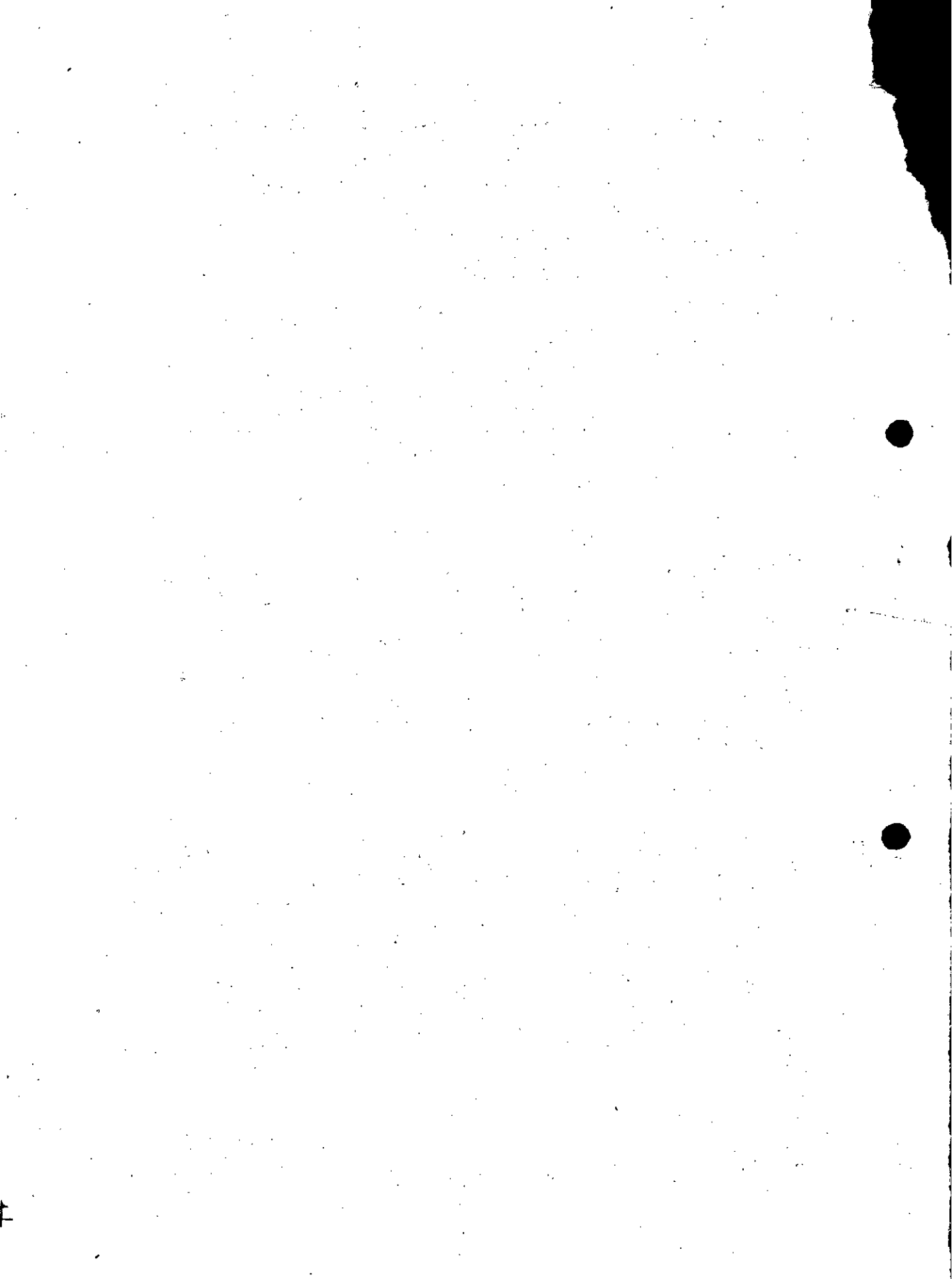
(2) Every order under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.

Mah. Ord. XVIII of 2011. Mah. Ord. XX of 2011. 6. (1) The City of Nagpur Corporation (Amendment) Ordinance, 2011 and the Bombay Provincial Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2011, are hereby repealed.

Repeal of Mah. Ord. XVIII of 2011 and Mah. Ord. XX of 2011 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinances, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Act, as amended by this Act.

Bom. LIX of 1949. C.P. and Berar II of 1950. Mah. XL of 1965.





महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५७]

मंगळवार, मार्च १३, २०१२/फाल्गुन २३, शके १९३३

[पृष्ठे ११, किंमत : रुपये १८.००

असाधारण क्रमांक ७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporation, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Act, 2010 (Mah. Act No. II of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. II OF 2012.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette" on the 13th March 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.
Mah. XL
of 1965.
Mah.
XXXVII
of 1966.

भाग आठ-७-१

CHAPTER I

PRELIMINARY

Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Corporations, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Act, 2010.

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

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 3 of Bom. III of 1888. 2. In section 3 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Municipal Corporation Act"), after clause (ea), the following clause shall be inserted, namely :—

Bom. III of 1888.

"(eb) "Designated Officer" means an officer designated under sub-section (1) of section 351;".

Amendment of section 351 of Bom. III of 1888. 3. In section 351 of the Mumbai Municipal Corporation Act,—
(1) existing sub-section (1) shall be renumbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—

"(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of sections 352, 352A and 354A. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas.";

(2) in sub-section (1A) as so re-numbered, for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

(3) in sub-section (2), for the word "Commissioner" wherever it occurs, the words "Designated Officer" shall be substituted.

Amendment of section 352 of Bom. III of 1888. 4. In section 352 of the Mumbai Municipal Corporation Act,—
(1) in sub-section (1), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(2) in sub-section (2), for the word "Commissioner" the words "Designated Officer" shall be substituted.

Amendment of section 352A of Bom. III of 1888. 5. In section 352A of the Mumbai Municipal Corporation Act,—
(1) in sub-section (1), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(2) in sub-section (2), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(3) in sub-section (3), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

(4) sub-section (4) shall be deleted;

(5) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

6. In section 354A of the Mumbai Municipal Corporation Act,—

(1) in sub-section (1), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

Amendment of section 354A of Bom. III of 1888.

(2) in sub-section (2), for the word "Commissioner" wherever it occurs, the words "Designated Officer" shall be substituted;

(3) in sub-section (3), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(4) in sub-section (4), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(5) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

7. After section 475A of the Mumbai Municipal Corporation Act, the following sections shall be inserted, namely :—

Insertion of sections 475B and 475C in Bom. III of 1888.

" 475B. Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any such work as is described in section 342, is commenced contrary to the provisions of section 342 or 347 or is otherwise unlawfully commenced or is being unlawfully carried on and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 351 or 354A, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.

Punishment for failure to take action under section 351 or 354A.

475C. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under section 475A.

Compounding of certain offences.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

Insertion of section 515A in Bom. III of 1888.

8. After section 515 of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

Bar of jurisdiction.

“515A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued by the Designated Officer, under section 351 or 354A shall not be questioned in any suit or other legal proceedings.”

Insertion of section 516B in Bom. III of 1888.

9. After section 516A of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

Offences under sections 475A and 475B to be cognizable and bailable.

“516B. The offences under sections 475A and 475B shall be cognizable and bailable.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment of section 2 of Bom. LIX of 1949.

10. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), after clause (16A), the following clause shall be inserted, namely :—

Bom. LIX of 1949.

“(16B) “Designated Officer” means an officer designated under sub-section (1) of section 260;”

Amendment of section 260 of Bom. LIX of 1949.

11. In section 260 of the Provincial Corporations Act,—

(1) existing sub-section (1) shall be re-numbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—

“(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of sections 261, 264, 267 and 478. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas.”;

(2) in sub-section (1A), as so re-numbered, for the words “the Commissioner”, at both the places where they occur, the words “the Designated Officer” shall be substituted;

(3) in sub-section (2), for the words “the Commissioner”, at both the places where they occur, the words “the Designated Officer” shall be substituted.

Amendment of section 261 of Bom. LIX of 1949.

12. In section 261 of the Provincial Corporations Act,—

(1) in sub-section (1); for the words “the Commissioner” the words “the Designated Officer” shall be substituted;

(2) in sub-section (2), for the words "the Commissioner" the words "the Designated Officer" shall be substituted.

13. In section 264 of the Provincial Corporations Act,—

Amendment
of section
264 of Bom.
LIX of
1949.

(1) in sub-section (1), for the words "the Commissioner", at both the places where they occur, the words "the Designated Officer" shall be substituted;

(2) in sub-section (2), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted ;

(3) in sub-section (3), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(4) in sub-section (4), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(5) in sub-section (5), for the words "the Commissioner", wherever they occur, the words "the Designated Officer" shall be substituted.

14. In section 267 of the Provincial Corporations Act,—

Amendment
of section
267 of Bom.
LIX of 1949.

(1) in sub-section (1), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(2) in sub-section (2), for the word "Commissioner" the words "Designated Officer" shall be substituted ;

(3) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

15. After section 397 of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Insertion of
sections
397A and
397B in
Bom. LIX
of 1949.

"397A. (1) Any person to whom the notice under section 260, 261, 264, 267 or 478 has been served, shall on his failure to comply with such notice,—

Penalty for
failure to
comply with
notice
under
section
260, 261,
264, 267 or
478.

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, be punished with imprisonment for a term which shall not be less than three months but which may extend upto three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention; or

(b) for removing, pulling down the unauthorised work, be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

(2) Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 260, 264, 267 or 478, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.

Compounding
of certain
offences.

397B. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under sub-section (1) of section 397A.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged.”

Amendment
of section
427 in
Bom. LX
of 1949.

16. In section 427 of the Provincial Corporations Act, the existing sub-section (1) shall be re-numbered as clause (a) thereof ; and after clause (a) as so re-numbered, the following clause shall be inserted, namely :—

“(b) Offences under section 397A shall be cognizable and bailable.”

Insertion of
section
433A in
Bom. LX
of 1949.

17. After section 433 of the Provincial Corporations Act, after the heading “X. Miscellaneous”, the following section shall be inserted, namely :—

Bar of
jurisdiction.

“433A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued by the Designated Officer, under section 260, 261, 264, 267 or 478 shall not be questioned in any suit or other legal proceedings.”

18. In section 478 of the Provincial Corporations Act, in sub-sections (1) and (2), for the word "Commissioner", wherever it occurs, the words "Designated Officer" shall be substituted. Amendment of section 478 of Bom. LIX of 1949.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

- C.P. and Berar II of 1950. 19. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), after clause (14), the following clause shall be inserted, namely:— Amendment of section 5 of C.P. and Berar II of 1950.

"(14A) "Designated Officer" means an officer designated under sub-section (1) of section 281;"

20. In section 281 of the Nagpur Corporation Act,—

(1) the existing sub-section (1) shall be re-numbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely:— Amendment of section 281 of C.P. and Berar II of 1950.

"(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of section 282, sub-section (2) of section 283 and sub-sections (1), (2) and (3) of section 286. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas;"

(2) in sub-section (1A), as so re-numbered, for the words "the Commissioner" the words "the Designated Officer" shall be substituted;

(3) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) Any person to whom the notice under sub-section (1) of this section or sub-section (1) of section 286 has been served, shall on his failure to comply with such notice,—

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, be punished with imprisonment for a term which shall not be less than three months but which may extend to three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention;

(b) for removing, pulling down the unauthorised work, be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and

where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

(3) Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any work is carried out in contravention of section 273 or is commenced or carried out contrary to the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 281 or 286, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both."

Insertion of section 281A in C.P. and Berar II of 1950.

21. After section 281 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Compounding of certain offences.

" 281A. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under sub-section (2) of section 281.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

Amendment of section 283 of C.P. and Berar II of 1948.

22. In section 283 of the Nagpur Corporation Act, in sub-section (2), for the words "demolished by the Commissioner" the words "demolished by the Designated Officer" shall be substituted.

Amendment of section 286 of C.P. and Berar II of 1950.

23. In section 286 of the Nagpur Corporation Act,—

(1) in sub-section (1), for the words " the Commissioner " the words " the Designated Officer " shall be substituted;

(2) in sub-section (2), for the words " the Commissioner ", at both the places where they occur, the words " the Designated Officer " shall be substituted;

(3) in sub-section (3), for the words " the Commissioner ", at both the places where they occur, the words " the Designated Officer " shall be substituted;

(4) in sub-section (4), for the words " the Commissioner ", where they occur for the third time, the words " the Designated Officer " shall be substituted.

24. In section 287 of the Nagpur Corporation Act, for the words "or the Commissioner" the words "the Commissioner or the Designated Officer" shall be substituted.

Amendment of section 287 of C.P. and Berar II of 1950.

25. After section 426 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 426A in C.P. and Berar II of 1950.

" 426A. The offences under section 281 shall be cognizable and bailable."

Offences under section 281 to be cognizable and bailable.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah.
XL of
1965.

26. In section 189 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"),—

Amendment of section 189 of Mah. XL of 1965.

(1) for sub-section (9), the following sub-section shall be substituted, namely :—

"(9) Any person to whom the notice under sub-section (8) of this section or sub-section (2) of section 195 has been served, on his failure to comply with such notice,—

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, shall be punished with imprisonment for a term which shall not be less than three months but which may extend to three years; and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention;

(b) for removing, pulling down the unauthorised work, shall be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the

contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.”;

(2) after sub-section (12), the following sub-section shall be added, namely :—

“(13) Where it has been brought to the notice of the Chief Officer or any other officer of the Council, nominated by the Council in the prescribed manner, that erection of any building or execution of any work is carried out or commenced contrary to the provisions of the Act, rules or bye-laws and if such officer has failed, without sufficient reasons, to take action as provided under this section, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.”.

Insertion of section 300A in Mah. XL of 1965.

27. After section 300 of the Municipal Councils Act, the following section shall be inserted, namely :—

Offences under section 189 to be cognizable and bailable.

“300A. The offences under sub-sections (9) and (13) of section 189 shall be cognizable and bailable.”.

Insertion of section 301A in Mah. XL of 1965.

28. After section 301 of the Municipal Councils Act, the following section shall be inserted, namely :—

Bar of jurisdiction.

“301A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued under sub-section (8) of section 189 by the Chief Officer or, as the case may be, the officer nominated under sub-section (13) of section 189, shall not be questioned in any suit or other legal proceedings.”.

CHAPTER VI

AMENDMENTS TO THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

Amendment of section 2 of Mah. XXXVII of 1966.

29. In section 2 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter, in this Chapter, referred to as “the Town Planning Act”), after clause (6), the following clause shall be inserted, namely :—

Mah. XXXVII of 1966.

“(6A) “Designated Officer” means the officer designated under sub-section (8) of section 53;”.

30. In section 53 of the Town Planning Act, after sub-section (7), the following sub-section shall be added, namely :—

Amendment of section 53 of Mah. XXXVII of 1966.

“(8) The Planning Authority shall, by notification in the *Official Gazette*, designate an officer of the Planning Authority to be the Designated Officer for the purposes of exercise of the powers of the Planning Authority under this section and sections 54, 55 and 56. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas.”

31. After section 56 of the Town Planning Act, the following section shall be inserted, namely :—

Insertion of section 56A in Mah. XXXVII of 1966.

“56A. Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any work is carried out in contravention of the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action, as provided under section 53, 54, 55 or 56, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.”

Punishment for failure to take action against unauthorised construction.

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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक २८(४)] शनिवार, ऑगस्ट ४, २०१२/श्रावण १३, शके १९३४ [पृष्ठे ५, किंमत : रुपये १८.००

असाधारण क्रमांक ४६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2012 (Mah. Act No. XVII of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XVII OF 2012.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 4th August 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom. LIX
of 1949.
C.P. and
Berar II
of 1950.
Mah. XL
of 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965,

for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 50S of Bom. III of 1888. 2. In section 50S of the Mumbai Municipal Corporation Act (hereinafter in this Chapter referred to as "the Mumbai Corporation Act"), in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

Bom. III of 1888.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted:—"

Amendment of section 129A of Bom. III of 1888. 3. In section 129A of the Mumbai Corporation Act, after the words and figures "under section 125" the words, figures and letter "and estimates prepared by the General Manager under section 126A" shall be inserted.

Amendment of section 460A of Bom. III of 1888. 4. In section 460A of the Mumbai Corporation Act, after sub-section (2), the following sub-section shall be added, namely:—

"(3) Where, any proposal of the General Manager requires the sanction or approval of the Brihan Mumbai Electric Supply and Transport Committee or the corporation, the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, shall consider and dispose of any such proposal within forty-five days in case of the said Committee and ninety days in case of the corporation, reckoned from the date of the meeting of the Brihan Mumbai Electric Supply and Transport Committee

or, as the case may be, the corporation, held immediately after the proposal is received by the Secretary of the said Committee or as the case may be, the Municipal Secretary, whether the item pertaining to such proposal is taken on agenda of such meeting or not, failing which, sanction or approval to such proposal shall be deemed to have been given by the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, and a report to that effect shall be made by the General Manager to the Government and it shall be lawful for the General Manager to take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force."

5. In section 460K of the Mumbai Corporation Act,—

(1) in clause (c), for the words "ten lakhs rupees" the words "fifty lakhs rupees" shall be substituted;

(2) in clause (d), for the words "one lakh rupees" the words "five lakhs rupees" shall be substituted.

Amendment
of section
460K of
Bom. III of
1888.

6. In section 460L of the Mumbai Corporation Act, in the proviso, after the words "Transport Committee" the words "or by two officers of the Brihan Mumbai Electric Supply and Transport Undertaking to whom the powers have been delegated by the General Manager" shall be added.

Amendment
of section
460L of
Bom. III of
1888.

7. In section 460M of the Mumbai Corporation Act, in sub-section (1),—

(1) for the words "fifty thousand rupees" the words "three lakhs rupees" shall be substituted;

(2) the following proviso shall be added, namely:—

"Provided that, the notice of any tender for contract not exceeding three lakhs rupees shall be uploaded on the official website of the Brihan Mumbai Electric Supply and Transport Undertaking."

Amendment
of section
460M of
Bom. III of
1888.

8. In section 460Q of the Mumbai Corporation Act,—

(1) in clause (a), for the words "two thousand rupees" the words "ten thousand rupees" shall be substituted;

(2) in clause (b), in the proviso, for the words "fifteen thousand rupees" the words "seventy-five thousand rupees" shall be substituted;

(3) in clause (c),—

(i) for the words "one lakh rupees" at the both places where they occur, the words "five lakhs rupees" shall be substituted;

(ii) for the words "for any period" the words "for any continuous period" shall be substituted;

(iii) for the words "ten thousand rupees" the words "fifty thousand rupees" shall be substituted.

Amendment
of section
460Q of
Bom. III of
1888.

Amendment of section 460R of Bom. III of 1888. **9.** In section 460R of the Mumbai Corporation Act, in sub-section (2), in the proviso, for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted.

Amendment of section 460T of Bom. III of 1888. **10.** In section 460T of the Mumbai Corporation Act,—
(1) in sub-section (1), for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted;

(2) in sub-section (2), for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted.

CHAPTER III

AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Amendment of section 31A of Bom. LIX of 1949. **11.** In section 31A of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

Bom. LIX of 1949.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted."

CHAPTER IV

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 40A of C.P. and Berar II of 1950. **12.** In section 40A of the City of Nagpur Corporation Act, 1948, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

C.P. and Berar II of 1950.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures

so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted.”.

CHAPTER V

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR* PANCHAYATS, AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. 13. In section 63 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (2B), for the first proviso, the following proviso shall be substituted, namely:-

Amendment of section 63 of Mah. XL of 1965.

“Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted.”.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ३२(२) | मंगळवार, ऑगस्ट २१, २०१२/श्रावण ३०, शके १९३४ | पृष्ठे ४, किंमत : रुपये १८.००

असाधारण क्रमांक ५३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations (Amendment) and the City of Nagpur Corporation (Repeal) Act, 2011 (Mah. Act No. XXIII of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXIII OF 2012.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 21st August 2012).

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949 and to repeal the City of Nagpur Corporation Act, 1948.

WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949 and to repeal the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Bombay Provincial Municipal Corporations (Amendment) and the City of Nagpur Corporation (Repeal) Act, 2011.

Short title and commencement.

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

CHAPTER II

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment of long title of Bom. LIX of 1949. 2. In the long title of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), for the words "for certain larger urban areas" the words "for all larger urban areas except that of *Brihan Mumbai*" shall be substituted. Bom. LIX of 1949.

Amendment of preamble of Bom. LIX of 1949. 3. In preamble of the Municipal Corporations Act, for the words "for certain larger urban areas" the words "for all larger urban areas except that of *Brihan Mumbai*" shall be substituted.

Amendment of section 1 of Bom. LIX of 1949. 4. In section 1 of the Municipal Corporations Act, in sub-section (1), for the words and figures "Bombay Provincial Municipal Corporations Act, 1949" the words "Maharashtra Municipal Corporations Act" shall be substituted.

Amendment of section 2 of Bom. LIX of 1949. 5. In section 2 of the Municipal Corporations Act, in clause (8), for the words "forming a City;" the words, brackets and figures "forming a City, and in respect of the City of Nagpur means, the area comprised in the City of Nagpur on the date of commencement of the Bombay Provincial Municipal Corporations (Amendment) and the City of Nagpur Corporation (Repeal) Act, 2011;" shall be substituted. Mah. XXIII of 2012.

Amendment of section 3 of Bom. LIX of 1949. 6. In section 3 of the Municipal Corporations Act, after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) The Corporation of the City of Nagpur incorporated under the City of Nagpur Corporation Act, 1948 for the larger urban area specified in the notification issued in this respect under clause (2) of article 243-Q of the Constitution of India shall, on and from the date of coming into force of the Bombay Provincial Municipal Corporations (Amendment) and the City of Nagpur Corporation (Repeal) Act, 2011, be deemed to have been constituted under this Act and accordingly the provisions of this Act shall apply to the area of the City of Nagpur." C.P. and Berar II of 1950. Mah. XXIII of 2012.

CHAPTER III

REPEAL OF THE CITY OF NAGPUR CORPORATION ACT, 1948.

Repeal of C.P. and Berar II of 1950. 7. The City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), is hereby repealed. C.P. and Berar II of 1950.

CHAPTER IV

MISCELLANEOUS

8. Notwithstanding repeal of the Nagpur Corporation Act,— Savings.

(a) all rules and by-laws made, all appointments made, notifications and orders issued and licences and permissions granted under the Nagpur Corporation Act, shall, until altered, repealed or amended, continue to be in force ;

(b) all contracts and agreements entered into or executed and all things engaged to be done, by or with the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act shall be deemed to have been entered into, executed or engaged to be done by or with the said Corporation deemed to have been constituted under the Maharashtra Municipal Corporations Act ;

Bom.
LIX of
1949.

(c) all properties, funds and other assets vested in and all rights and liabilities of the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act, shall vest in and devolve on the said Corporation deemed to have been constituted under the Maharashtra Municipal Corporations Act ;

Bom.
LIX of
1949.

(d) all rents, taxes and sums of money due to the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act shall be due to the said Corporation deemed to have been constituted under sub-section (1A) of section 3 of the Maharashtra Municipal Corporations Act ;

Bom.
LIX of
1949.

(e) all suits or other legal proceedings, civil or criminal, instituted or which might, but for the commencement of this Act, have been instituted by or against the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act or against the Commissioner thereof, may be continued or instituted, save as otherwise provided, by or against the said Corporation deemed to have been constituted under the Maharashtra Municipal Corporations Act or, as the case may be, the Commissioner thereof ;

Bom.
LIX of
1949.

(f) any reference in any enactment or the rules for the time being in force, to the City of Nagpur Corporation Act, 1948 or, as the case may be, to the City of Nagpur Corporation, shall, from the date of commencement of this Act, be construed as reference to the Maharashtra Municipal Corporations Act and the City of Nagpur Corporation deemed to have been constituted under the Maharashtra Municipal Corporations Act ;

C.P.
and
Berar II
of 1950.
Bom.
LIX of
1949.
Bom.
LIX of
1949.

(g) all the Councillors of the Corporation of the City of Nagpur incorporated under the Nagpur Corporation Act, shall continue to be such Councillors for the remainder of their term of office as councillors of the City of Nagpur Corporation deemed to have been constituted under the Maharashtra Municipal Corporations Act.

Bom.
LIX of
1949.

Power to
remove
difficulty.

9. (1) If any difficulty arises in giving effect to the provisions of the Municipal Corporations Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the said Act which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.



RNI. No. MAHENG/2009/35528
Reg. No. MH/MR/South-344/2011-13

महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ४२(३)] गुरुवार, डिसेंबर २०, २०१२/अग्रहायण २९, शके १९३४ [पृष्ठ ४, किंमत : रुपये १८.००

असाधारण क्रमांक ६९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2012 (Mah. Act No. XXVIII of 2012), is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVIII OF 2012.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 20th December 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

III of 1888. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the LIX of 1949. Maharashtra Municipal Councils, Nagar Panchayats and Industrial Mah. Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby XL of 1965. enacted in the Sixty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2012. Short title .

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of section 252A in III of 1888. 2. After section 252 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following section shall be inserted, namely :—

Obligation of corporation to partake common facility. "252A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

"Provided that, the State Government shall, before issuing any direction under this section; give an opportunity to the corporation to make within fifteen days a representation, if any, in this regard. If the corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same."

Insertion of section 478-1AA in III of 1888. 3. After section 478-1A of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Compounding of offence of evasion of octroi. "478-1AA: (1) The Commissioner or an officer not below the rank of Assistant Commissioner authorised in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 478-1A, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

LIX of 1949. 4. After section 194 of the Maharashtra Municipal Corporations Act (hereinafter in this Chapter, referred to as "the Maharashtra Corporations Act"), the following section shall be inserted, namely :—

Insertion of section 194A in LIX of 1949.

" 194A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Obligation of Corporation to partake common facility.

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Corporation to make within fifteen days a representation, if any, in this regard. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same. "

5. In section 398 of the Maharashtra Corporations Act, the words "or to two hundred and fifty rupees, whichever may be greater" shall be deleted.

Amendment of section 398 of LIX of 1949.

6. After section 398 of the Maharashtra Corporations Act, the following section shall be inserted, namely :—

Insertion of section 398-1A in LIX of 1949.

" 398-1A. (1) The Commissioner or an officer not below the rank of Assistant Commissioner authorized in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 398, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

Compounding of offence of evasion of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged. "

CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS*
AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Insertion of section 219A in Mah. XL of 1965. 7. After section 219 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following section shall be inserted, namely :— Mah. XL of 1965.

Obligation of Council to partake common facility.

“ 219A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Council, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Council to make within fifteen days a representation, if any, in this regard. If the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same. ”



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ३६ (२)]

मंगळवार, ऑगस्ट २६, २०१४/भाद्र ४, शके १९३६

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ९७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2012 (Mah. Act No. XXXIV of 2014), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,
Secretary and R.L.A. to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIV OF 2014

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 26th August 2014).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III of 1888.
Bom. LIX of 1949.
C. P. and Berar II of 1950.
Mah. XL of 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 521 of Bom. III of 1888.

2. Section 521 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

Bom. III of 1888.

"(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

49 of 1988.

Insertion of section 521A in Bom. III of 1888.

3. After section 521 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

"521A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19."

2 of 1974.
49 of 1988.

Power of State Government to accord previous sanction.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Amendment of section 482 of Bom. LIX of 1949.

4. In section 482 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), after sub-section (2), the following sub-section shall be added, namely :—

Bom. LIX of 1949.

"(3) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

49 of 1988.

Insertion of section 482A in Bom. LIX of 1949.

5. After section 482 of the Provincial Corporations Act, the following section shall be inserted, namely :—

"482A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19."

2 of 1974.
49 of 1988.

Power of State Government to accord previous sanction.

CHAPTER III

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 394 of C. P. and Berar II of 1950.

6. Section 394 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

C.P. and Berar II of 1950.

"(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

49 of 1988.

7. After section 394 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 394A in C. P. and Berar II of 1950.

2 of 1974.
49 of 1988.

“394A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

Power of State Government to accord previous sanction.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL. of 1965.

8. Section 302 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

Amendment of section 302 of Mah. XL of 1965.

49 of 1988.

“(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988.”.

9. After section 302 of the Municipal Councils Act, the following section shall be inserted, namely :—

Insertion of section 302A in Mah. XL of 1965.

2 of 1974.
49 of 1988.

“302A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

Power of State Government to accord previous sanction.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक १५]

सोमवार, एप्रिल ६, २०१५/चैत्र १६, शके १९३७

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ३१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2015 (Mah. Act No. X of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,
Principal Secretary and R.L.A.
to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. X OF 2015.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 6th April 2015).

An Act further to amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2014 on the 31st December 2014;

LIX of
1949.
Mah. XL
of 1965.
Mah. Ord.
XVIII of
2014.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short
title and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 31st December 2014.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment
of section 5
of LIX of
1949.

2. In section 5 of the Maharashtra Municipal Corporations Act, in sub-section (3), for the portion beginning with the words “elect as far as possible” and ending with the words “as the number of Councillors to be elected in his ward”, the words “elect only one Councillor” shall be substituted. LIX of 1949.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Amendment
of section
10 of Mah.
XL of 1965.

3. In section 10 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for sub-section (2), the following sub-section shall be substituted, namely :— Mah. XL of 1965.

“(2) Each of the wards shall elect only one Councillor.”.

CHAPTER IV

MISCELLANEOUS

Power to
remove
difficulty.

4. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty : LIX of 1949. Mah. XL of 1965.

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. Ord. XVIII of 2014. **5. (1)** The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2014, is hereby repealed.

Repeal of Mah. Ord. XVIII of 2014 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक १६]

मंगळवार, एप्रिल ७, २०१५/चैत्र १७, शके १९३७

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ३४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2015 (Mah. Act No. XIII of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,
Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIII OF 2015.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 7th April 2015).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

III
of 1888. WHEREAS it is expedient further to amend the Mumbai Municipal
LIX of Corporation Act, the Maharashtra Municipal Corporations Act and the
1949. Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships
Mah. Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-
XL of 1965. sixth Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2015.

Amendment of section 5B of III of 1888. **2.** To section 5B of the Mumbai Municipal Corporation Act (hereinafter referred to as “the Mumbai Corporation Act”), the following provisos shall be added, namely:— III of 1888.

“Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2017, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,-

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

Amendment of section 37 of III of 1888. **3.** To sub-section (2A) of section 37 of the Mumbai Corporation Act, the following provisos shall be added, namely:—

“Provided that, for the election for the office of the Mayor for which the last date of filing of nomination falls on or before the 31st December 2017, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,-

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being the Mayor.”.

Amendment of section 5B of LIX of 1949. **4.** To section 5B of the Maharashtra Municipal Corporations Act (hereinafter referred to as “the Maharashtra Municipal Corporations Act”), the following provisos shall be added, namely:— LIX of 1949.

“ Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2017, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his

Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

5. To sub-section (1B) of section 19 of the Maharashtra Municipal Corporations Act, the following provisos shall be added, namely :—

Amendment of section 19 of LIX of 1949.

“Provided that, for the election for the office of Mayor for which the last date of filing of nomination falls on or before the 31st December 2017, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being the Mayor.”.

6. In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the Municipal Councils Act”), in the first proviso, for the words, figures and letters “before the 31st December 2013” the words, figures and letters “before the 31st December 2017” shall be substituted.

Mah. XL of 1965.

Amendment of section 9A of Mah. XL of 1965.

7. In section 51-1B of the Municipal Councils Act, in the first proviso, for the words, figures and letters “before the 31st December 2013” the words, figures and letters “before the 31st December 2017” shall be substituted.

Amendment of section 51-1B of Mah. XL of 1965.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक २१(२)]

शनिवार, एप्रिल १८, २०१५/चैत्र २८, शके १९३७

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ४५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Amendment) Act, 2015 (Mah. Act No. XVIII of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,
Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XVIII OF 2015

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 18th April 2015).

An Act further to amend the Maharashtra Municipal Corporations Act.

LIX of 1949. WHEREAS it is expedient further to amend the Maharashtra Municipal Corporations Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-sixth Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Municipal Corporations Short title. (Amendment) Act, 2015.

Amendment of section 313 of LIX of 1949. **2.** In section 313 of the Maharashtra Municipal Corporations Act, LIX of 1949. after the proviso, the following proviso shall be added, namely :—

“Provided further that, no such permission shall be required in respect of the factories, workshop or workplace in the area, notified by the Maharashtra Industrial Development Corporation, within the jurisdiction of the Municipal Corporation.”.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ५०(७)]

शुक्रवार, ऑगस्ट २१, २०१५/श्रावण ३०, शके १९३७

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक १०२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Second Amendment) Act, 2015 (Mah. Act No. XXXV of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,

Draftsman-cum-Joint Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXV OF 2015.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 21st August 2015).

An Act further to amend the Maharashtra Municipal Corporations Act.

LIX of 1949. WHEREAS it is expedient further to amend the Maharashtra Municipal Corporations Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Municipal Corporations Short title. (Second Amendment) Act, 2015.

(१)

Insertion of section 149B in LIX 1949.

2. After section 149A of the Maharashtra Municipal Corporations Act, the following section shall be inserted, namely :— LIX of 1949.

Additional stamp duty on certain transfers of immovable properties in City having notified projects.

“ 149B. (1) Without prejudice to the provisions of section 149A, the stamp duty leviable under the Maharashtra Stamp Act, on the instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the City in which one or more Vital Important Urban Transport Projects (hereinafter in this section referred to as “ City having notified projects ”) and executed on or after such date as may be specified by the State Government, by notification in the *Official Gazette*, be increased by a surcharge at the rate of one per cent., in case of instrument of sale or gift, on the value of the property so situated and in case of an instrument of usufructuary mortgage, on the amount secured by the instrument as set forth in the instrument and shall be collected accordingly under the said Act. LX of 1958.

(2) For the purposes of this section, section 28 of the Maharashtra Stamp Act shall be read and enforced as if, it specifically requires the particulars therein referred to be set forth separately in respect of,— LX of 1958.

(a) the property situated in the City having notified projects ; and

(b) the property situated in any other area.

(3) The State Government shall, every year, after due appropriation made by law in this behalf, pay to the Corporation or the agency which has undertaken the notified project, a grant-in-aid approximately equal to the amount of additional duty realized on account of surcharge levied and collected under this section in respect of the immovable properties situated in the City having notified projects and such grant-in-aid shall be utilised on such notified projects in the manner specified by the Government.

(4) The sum of money required to meet the expenditure by the State Government under sub-section (3), shall be charged on the Consolidated Fund of the State.

(5) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this section.

(6) All rules made under this section shall be subject to the condition of previous publication.

(7) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

18 of
2013.

Explanation.— For the purposes of this section, the term “ notified project ” means a Vital Important Urban Transport Project related to Mass Rapid Transport System such as Metro Rail, Mono Rail, Bus Rapid Transport System and includes Freeway, Sea-link, etc., in respect of which the State Government has, by notification in the *Official Gazette*, declared its intention to undertake such project either by itself or through the planning authority, a New Town Development Authority, and other statutory authority, an agency owned and controlled by the Central Government or the State Government or a Government Company incorporated under the provisions of the Companies Act, 2013 or any other law relating to companies for the time being in force.”.