



## The City of Nagpur Corporation (Amendment) Act, 1958

Act 79 of 1958

### Keyword(s):

Central Act Amendment, The City of Nagpur Corporation Act, 1948, nagpur

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**THE CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1958.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title and commencement.
2. Appointment of Municipal Commissioner and change in designation of Deputy Chief Executive Officer.
3. Consequential amendment of C. P. and Berar II of 1950.
4. Construction of reference to the Chief Executive Officer and Deputy Chief Executive Officer in enactments or instruments.
5. Amendment of section 20 of C. P. and Berar II of 1950.
6. Insertion of new section 20A in C. P. and Berar II of 1950.
7. Amendment of section 58 of C. P. and Berar II of 1950.
8. Substitution of sections 63 and 64 of C. P. and Berar II of 1950.
9. Deletion of section 347 of C. P. and Berar II of 195 .

**SCHEDULE.**

BOMBAY ACT No. LXXIX OF 1958.<sup>1</sup>

[THE CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1958.]

[8th October 1958]

## An Act further to amend the City of Nagpur Corporation Act, 1948.

C. P. and  
Berar II of  
1950.

WHEREAS it is expedient further to amend the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby enacted in the Ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the City of Nagpur Corporation (Amendment) Act, 1958. Short title  
and com-  
mencement.

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

2. (1) The State Government shall appoint a Municipal Commissioner, in place of the Chief Executive Officer, for the Municipal Corporation of the City of Nagpur. Appointment  
of Municipal  
Commissioner  
and change  
in designation  
of Deputy  
Chief  
Executive  
Officer.

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

C. P.  
and  
Berar  
II of  
1950.

3. The provisions of the principal Act are hereby amended in the manner and to the extent specified in column 2 of the Schedule. Consequential  
amendment  
of C. P. and  
Berar II of  
1950

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

5. In section 20 of the principal Act, in sub-section (1), for the words "to hold office until the first meeting in the next following year" the words "The Mayor, or as the case may be, the Deputy Mayor shall hold office until his successor is duly elected and enters on his office" shall be substituted. Amendment  
of section 20  
of C. P. and  
Berar II of  
1950.

<sup>1</sup> For Statement of Objects and Reasons see *Bombay Government Gazette*, 1958, Part V, pp. 706 and 707.

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

6. After section 20 of the principal Act, the following section shall be inserted, namely :—

Honoraria, fees, or allowances.

“20A. (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 bye-laws made by the Corporation under this section.

(2) The Corporation shall place at the disposal of the Mayor annually such sum not exceeding Rs. 3 000 by way of sumptuary allowance as it may determine.

(3) Notwithstanding anything contained in sections 15 and 19, the receipt by a Councillor of any honorarium, fee or allowance as aforesaid shall not disqualify any person for being elected, selected or appointed as, or for being, a Councillor.”

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

7. In section 58 of the principal Act, after clause (r), the following clause shall be inserted namely :—

“(ra) with the previous sanction of the State Government, any public reception ceremony or entertainment in the City ;”

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

8. For sections 63 and 64 of the principal Act, the following shall be substituted, namely :—

Procedure for making contracts on behalf of Corporation.

“63. With respect to the making of contracts under or for any purpose of this Act, including contracts relating to the acquisition and disposal of immovable property or any interest therein, the following provisions shall have effect, namely :—

(a) every such contract shall be made on behalf of the Corporation by the Commissioner ;

(b) no such contract, for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of the Corporation or some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly obtained ;

(c) no contract, which will involve an expenditure exceeding five thousand rupees or such higher amount as the Corporation may, with the approval of the State Government, from time to time fix, shall be made by the Commissioner, unless the same is previously approved by the Standing Committee ;

(d) every contract made by the Commissioner involving expenditure exceeding one thousand rupees but not exceeding five thousand rupees or such higher amount as may be fixed under clause (c) shall be reported by him, within fifteen days after the same has been made, to the Standing Committee ;

(e) the foregoing provisions of this section shall, as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act ; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.



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

Mode of  
executing  
contracts.

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

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

Deletion of  
section 347  
of C. P. and  
Berar II of  
1959.

## SCHEDULE.

(See section 3.)

Act.	Amendments.
1	2
The City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950).	<p>(1) Throughout the Act (including the marginal notes and sub-headings), except as otherwise expressly provided, for the words "Chief Executive Officer", wherever they occur, the word "Commissioner" shall be substituted.</p> <p>(2) Section 4 shall be deleted.</p> <p>(3) In section 5, in clause (9), for the words "Chief Executive Officer for the City" the words "Municipal Commissioner for the City" shall be substituted.</p> <p>(4) In section 45,—</p> <p>(a) for sub-section (1), the following shall be substituted, namely:—</p> <p>"(1) (a) The Commissioner shall from time to time be appointed by the State Government.</p> <p>(b) The Commissioner shall in the first instance hold office for such period not exceeding three years as the State Government may fix and his appointment may be renewed from time to time for a period not exceeding three years at a time.";</p> <p>(b) in sub-section (2), for the words "He shall" the words, brackets, letter and figure "Notwithstanding the provisions of clause (b) of sub-section (1), the Commissioner shall" shall be substituted.</p>

Act.	Amendments.
1	2
	<p data-bbox="532 354 1122 410">(5) In section 47, for sub-section (I) the following shall be substituted, namely :—</p> <p data-bbox="551 432 1122 580">“(I) The Commissioner shall receive from the municipal fund such monthly salary and allowances as the State Government may from time to time after consultation with the Corporation determine :</p> <p data-bbox="551 609 1122 728">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.</p> <p data-bbox="551 757 1122 931">(1A) The Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other law for the time being in force and shall not engage in any other profession, trade or business whatsoever :</p> <p data-bbox="551 964 1122 1112">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.”</p> <p data-bbox="524 1142 1122 1289">(6) In section 48, in sub-section (4), for the words and figures “the minimum prescribed in section 47” the words “the salary for the time being payable to the Commissioner” shall be substituted.</p> <p data-bbox="524 1319 751 1349">(7) In section 49,—</p> <p data-bbox="546 1363 1122 1426">(a) above that section, the following sub-heading shall be inserted, namely :—</p> <p data-bbox="573 1437 908 1467">“ Other Officers and servants ”</p> <p data-bbox="546 1489 1122 1578">(b) in sub-section (I), for the words “Deputy Chief Executive Officer” the words “Deputy Municipal Commissioner” shall be substituted.</p> <p data-bbox="518 1604 1122 1666">(8) In section 429, in sub-section (I), the words “Chief Executive Officer” shall stand unmodified.</p>

MAHARASHTRA ACT No. XIX OF 1964.<sup>1</sup>

[THE CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1964].

[21st April 1964].

An Act further to amend the City of Nagpur Corporation Act, 1948.

C.P.  
and  
Berar  
II of  
1950.

WHEREAS, it is expedient further to amend the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted in the Fifteenth Year of the Republic of India as follows :—

1. This Act may be called the City of Nagpur Corporation (Amendment) Short title: Act, 1964.

C. P.  
and  
Berar  
II of  
1950.

2. In section 9 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the principal Act"), in sub-section (1), in clause (d), for sub-clauses (iii), (iv) and (v), the following shall be substituted, namely :—

Amendment  
of section 9  
of C. P. and  
Berar II of  
1950.

" (iii) the Nagpur Zilla Parishad ;

(iv) the Central Railway ;

(v) the South-Eastern Railway ; and "

3. In section 45 of the principal Act, in sub-section (2), in the proviso, for the words "liable to be removed" the words "liable to be recalled to the service of the State" shall be substituted.

Amendment  
of section 45  
of C. P. and  
Berar II of  
1950.

<sup>1</sup> For Statement of Objects and Reasons, See Maharashtra Government Gazette, 1964, Part V, page.104.

MAHARASHTRA ACT No. XXIII OF 1968<sup>1</sup>.

[THE CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1968]

[14th August 1968].

An Act further to amend the City of Nagpur Corporation Act, 1948.

C. P. WHEREAS it is expedient further to amend the City of Nagpur Corporation  
and Act, 1948, for the purpose hereinafter appearing ; It is hereby enacted in the  
Berar Nineteenth Year of the Republic of India as follows :—  
50.

1. This Act may be called the City of Nagpur Corporation (Amendment) Short title.  
Act, 1968.

C. P. 2. In section 410 of the City of Nagpur Corporation Act, 1948, in sub-section (3), Amendment  
and for the words "shall continue in office for a period of three years from the date of section  
Berar on which they enter upon office." the words, brackets and figures "shall in 410 of C. P.  
II of accordance with the provisions of sub-section (1) of section 17 retire from office II, of 1950.  
1950. five years after they have entered upon office." shall be substituted.

<sup>1</sup> For Statement of Objects and Reasons, see the *Maharashtra Government Gazette*, 1968, Part V, Extra., page 197.

**THE CITY OF NAGPUR CORPORATION (AMENDMENT)  
ACT, 1974**

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**CONTENTS**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Amendment of section 16 of C. P. and Berar II of 1950.
3. Substitution of section 17 of C. P. and Berar II of 1950.
4. Substitution of section 24 of C. P. and Berar II of 1950.
5. Amendment of section 50 of C. P. and Berar II of 1950.

**MAHARASHTRA ACT No. III OF 1975<sup>1</sup>**

[THE CITY OF NAGPUR CORPORATION (AMENDMENT) ACT, 1974]

[9th January 1975]

**An Act further to amend the City of Nagpur Corporation Act, 1948.**

**C. P. and Berar II of 1950.** WHEREAS it is expedient further to amend the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-fifth Year of the Republic of India as follows :—

1. This Act may be called the City of Nagpur Corporation (Amendment) Act, 1974. Short title.

**C. P. and Berar II of 1950.** 2. In section 16 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the principal Act"), for the words "from the date of such notification : " the words "from the date specified for that purpose in such notification. " shall be substituted. Amendment of section 16 of C. P. and Berar II of 1950.

3. For section 17 of the principal Act, the following section shall be substituted, namely :— Substitution of section 17 of C. P. and Berar II of 1950.

" 17. (1) Subject to the provisions of this Act, all Councillors of the Corporation constituted as aforesaid shall hold office for a term of five years commencing from the date on which they have entered on their office, 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 : Term of office.

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.

(2) Where there is an interval between the expiry of the term or extended term of office of the outgoing Councillors and the date notified for the newly elected Councillors to enter on their office, the outgoing Councillors shall continue to hold office until their successors enter on their office, notwithstanding that their term of office or the extended term of office, as the case may be, has expired :

Provided that, the State Government may, by notification published in the *Official Gazette*, stating the reasons, direct that the outgoing Councillors shall vacate their office on the expiry of their term or extended term of office, as the case may be. In such event, the State Government shall, by like notification, appoint an Administrator to exercise all the powers, perform all the duties and discharge all the functions of the Corporation and the Standing Committee, until the ward elections are held and the newly elected Councillors enter on their office.

(3) An outgoing Councillor shall, if otherwise qualified, be eligible for further election. "

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V—Extra, p. 1204.

4. For section 24 of the principal Act, the following section shall be substituted, namely :—

Substitution  
of section 2  
of C. P. an  
Berar II of  
1950.

" 24. After every general election, notwithstanding anything contained in this Act, the Commissioner shall call the first meeting of the Corporation on the date specified in the notification issued under section 16, to elect the Mayor, the Deputy Mayor, the Standing Committee and the Special Consultative Committees."

First meetin  
after genera  
election.

5. In section 50 of the principal Act, in sub-section (1),—

(a) for the words " five hundred rupees " the words " one thousand rupees " shall be substituted;

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

(b) in the proviso,—

(i) in paragraph (1), for the words " three hundred rupees, " the words " six hundred rupees, " shall be substituted;

(ii) in paragraph (2), for the words " one hundred and fifty rupees " and " three hundred rupees " the words " four hundred and fifty rupees " and " six hundred rupees " shall, respectively, be substituted.

**THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS, CITY OF  
NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES  
(AMENDMENT) ACT, 1981.**

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**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.<sup>1</sup>**

[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 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.

<sup>1</sup> 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 MUNICIPAL CORPORATION, BOMBAY PROVINCIAL  
MUNICIPAL CORPORATIONS, CITY OF NAGPUR CORPORATION  
AND MAHARASHTRA MUNICIPALITIES  
(AMENDMENT) ACT, 1985**

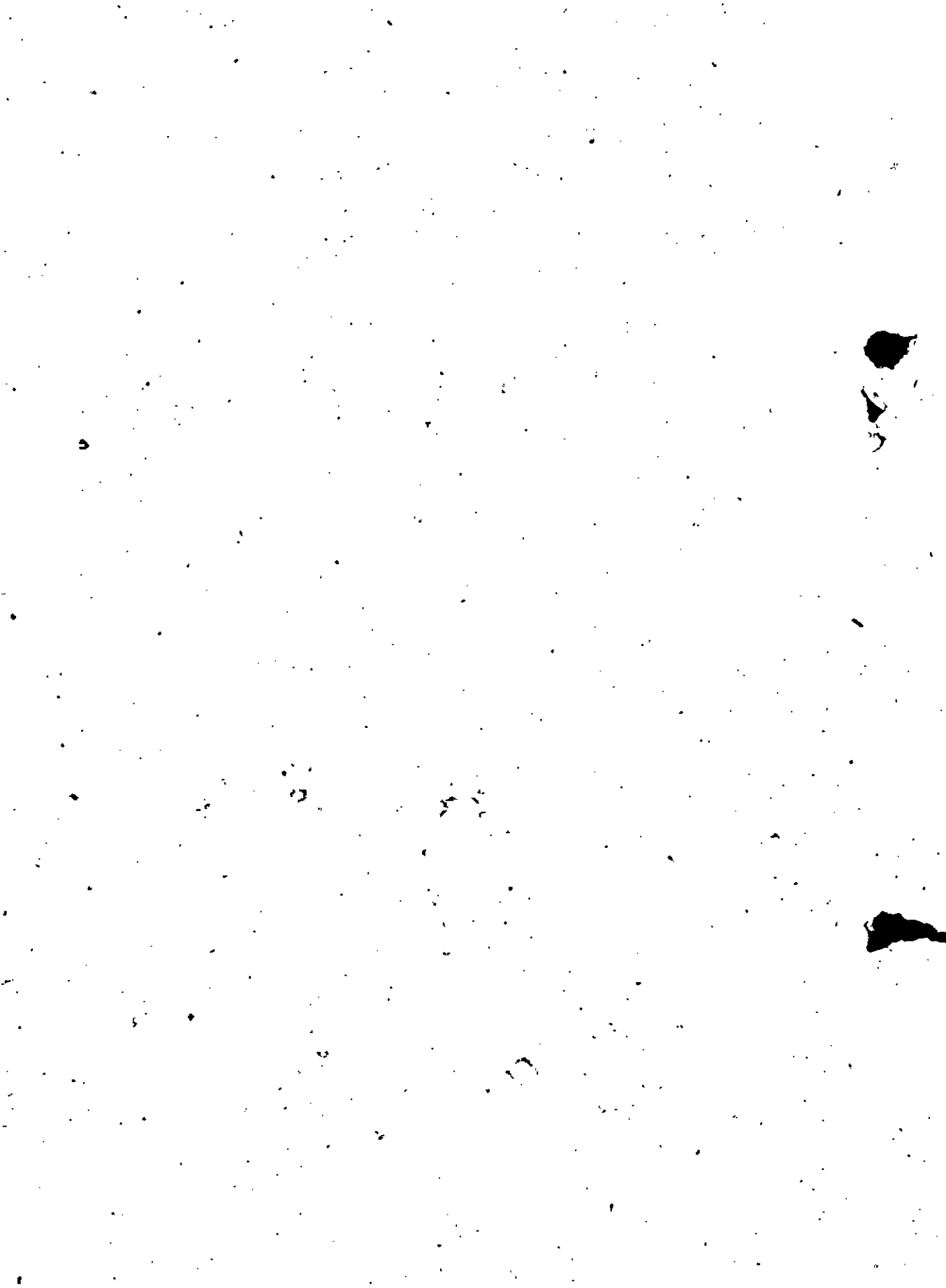
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**CONTENTS**

**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 1985<sup>1</sup>**

[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. III of 88. (1) of section 7A of the Bombay Municipal Corporation Act, an Administrator 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. C.P. and Berar II of 1950. Mah. XL of 1965. under the provisions of the City of Nagpur Corporation Act, 1948 and of all the 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 ;

<sup>1</sup> For statement of Objects and Reasons, see Maharashtra Government Gazette, 1985, Part V, Extraordinary, Page 5.

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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.

Mah. Ord. I of 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 :—

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.
- (2) It shall be deemed to have come into force on the 11th February 1985.
2. (Amendment has been incorporated in the Principal Act).
3. (Amendment has been incorporated in the Principal Act).
4. (Amendment has been incorporated in the Principal Act).
5. (Amendment has been incorporated in the Principal Act).
6. (Amendment has been incorporated in the Principal Act).
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 " the words " four years and three months " shall be substituted.
8. (Amendment has been incorporated in the Principal Act).

Short title and commencement.

Amendment of section 7A of Bom. III of 1888.

Amendment of section 22 of Bom. III of 1888.

Consequences of extension of the period of Administrator and fixation of pay for retirement of the Councillors.

Application of principal Act.

Amendment of section 7-A1 of Bom. LIX of 1949.

Amendment of section 22A of C.P. and Berar II of 1950.

Amendment of section 48A of Mah. XL of 1965.

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.

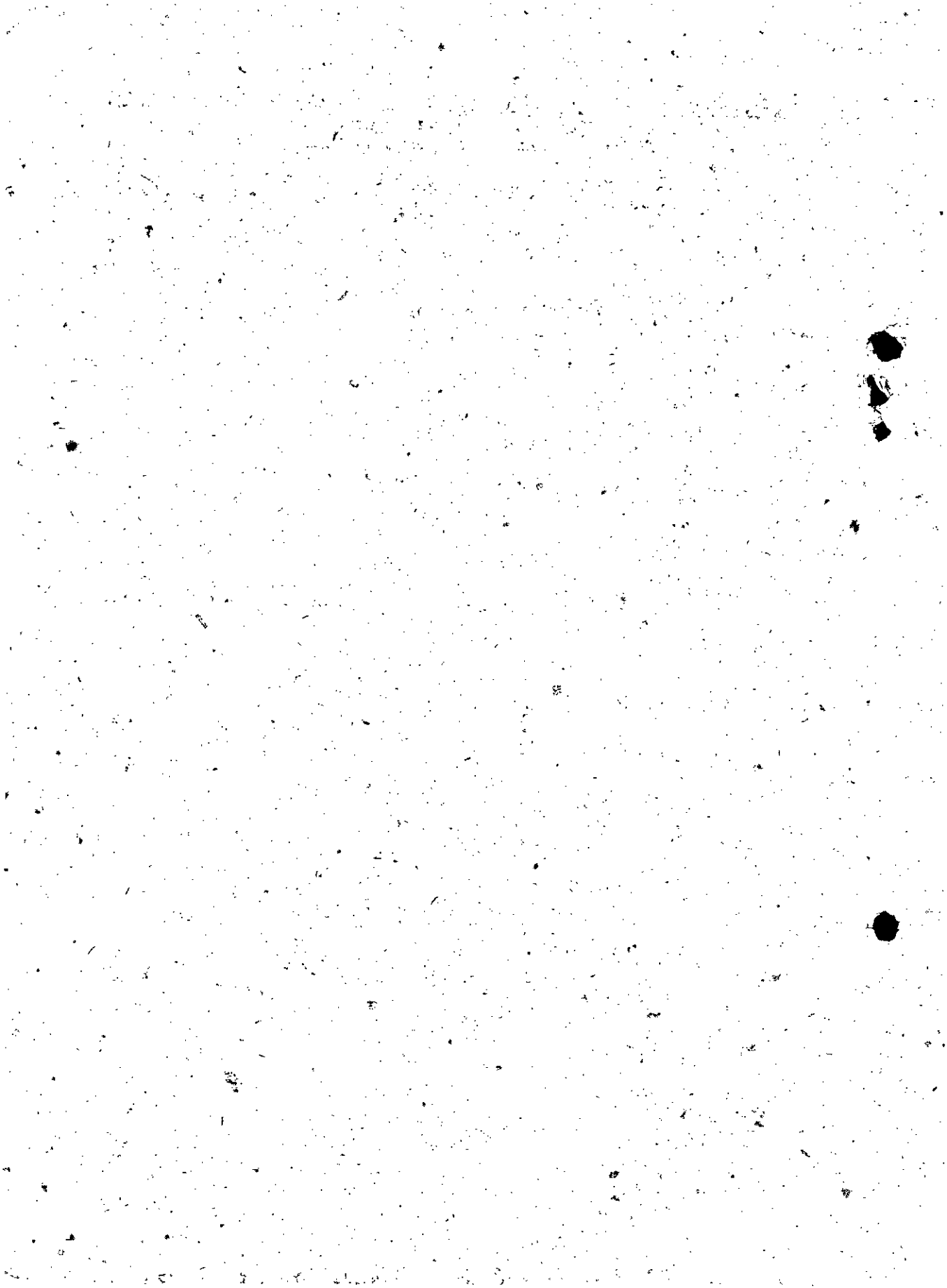
10. (1) The Bombay Municipal Corporation, Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1985 is hereby repealed.

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.





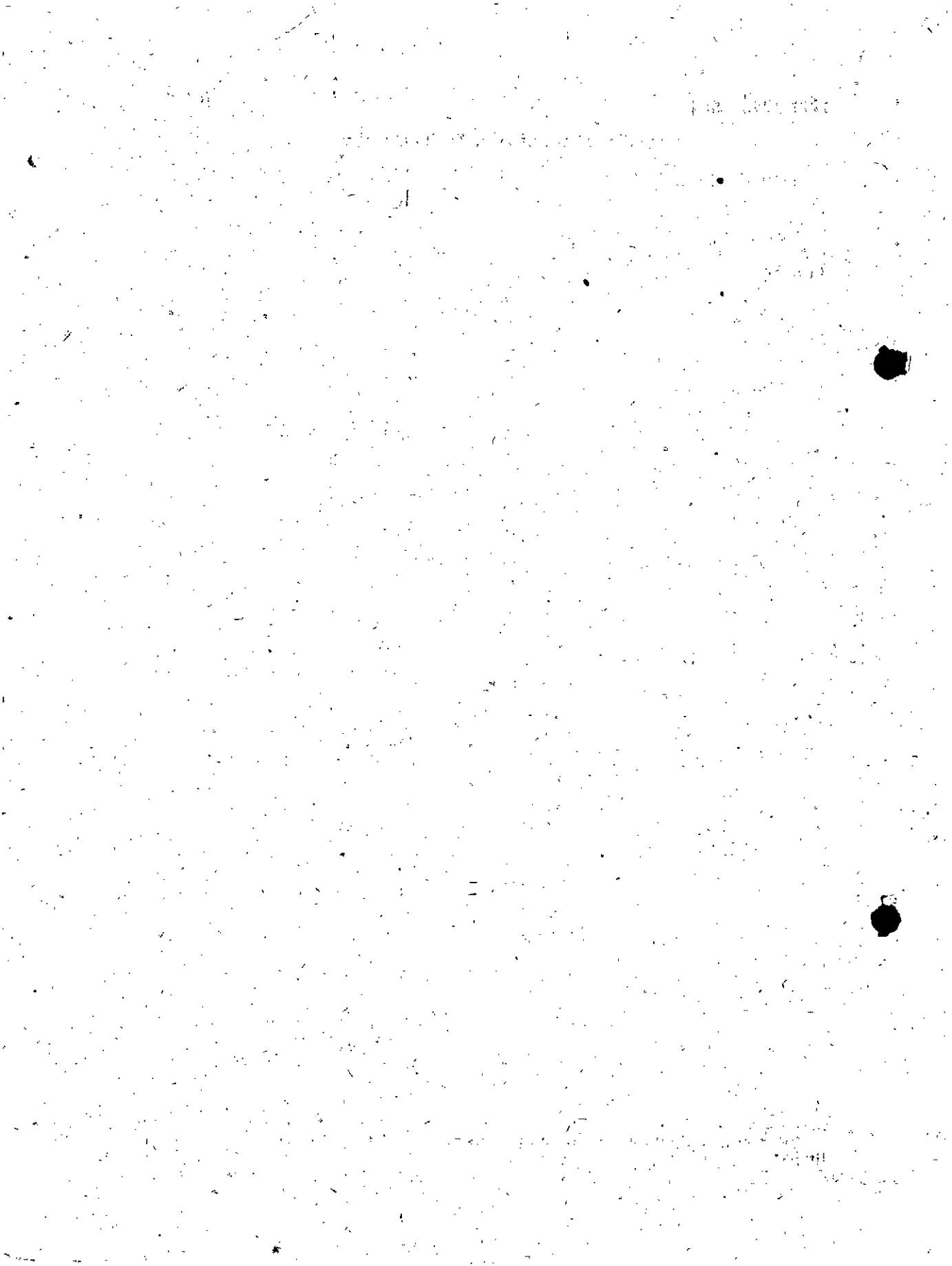
**THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT)  
ACT, 1990.**

**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 1990<sup>1</sup>.**

**[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.

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<sup>1</sup> 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.

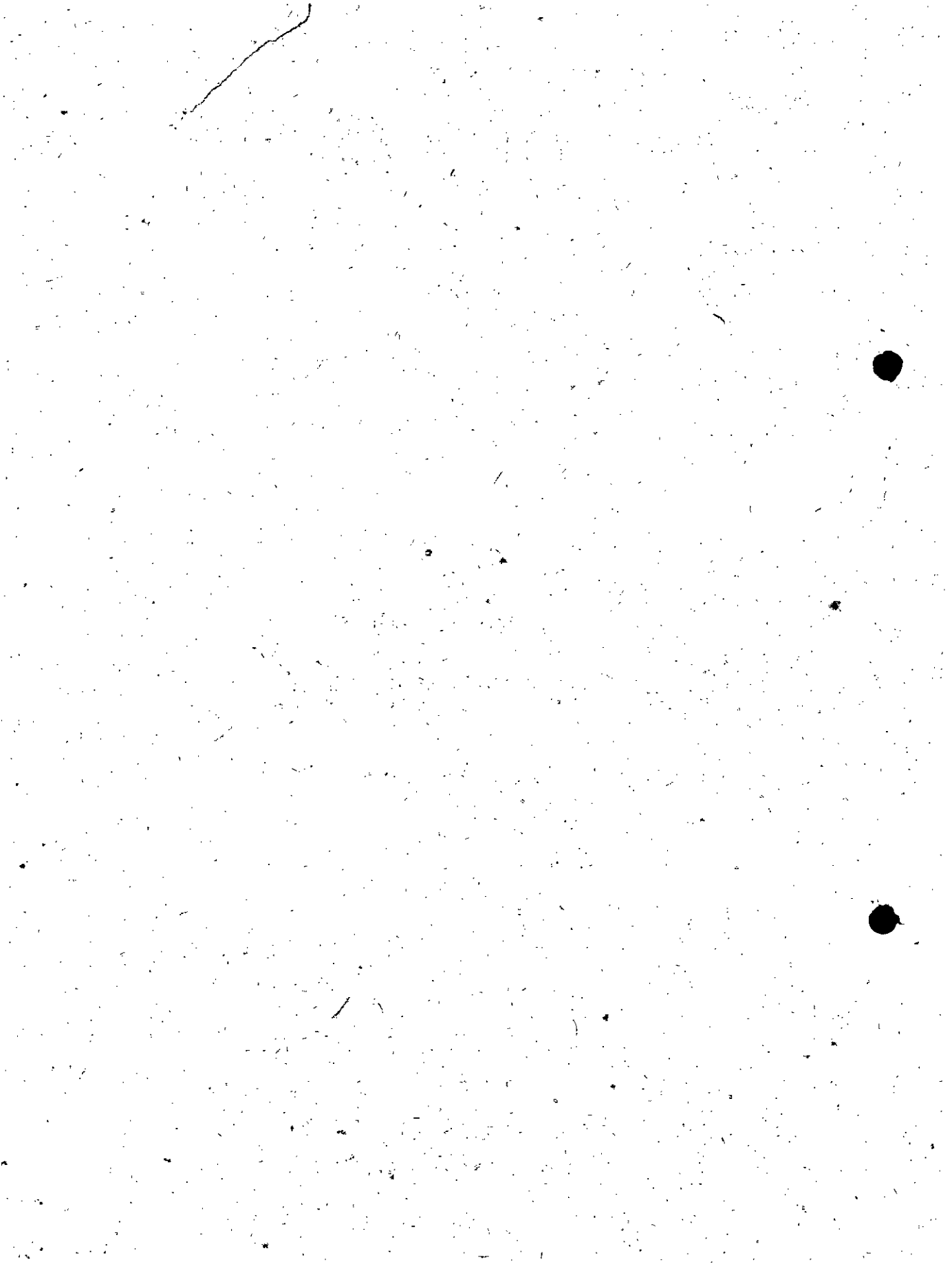
8. [Amendment of section 6 of Bom. LIX of 1949].—Amendments have been incorporated in the principal Act.

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]

[The remainder of the memorandum text is illegible due to extreme noise and low contrast.]

MAHARASHTRA ACT No. XII OF 1990,<sup>1</sup>

## [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;

<sup>1</sup> 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:—  
"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".

C.P.  
and  
Berar  
II of  
1950.

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.

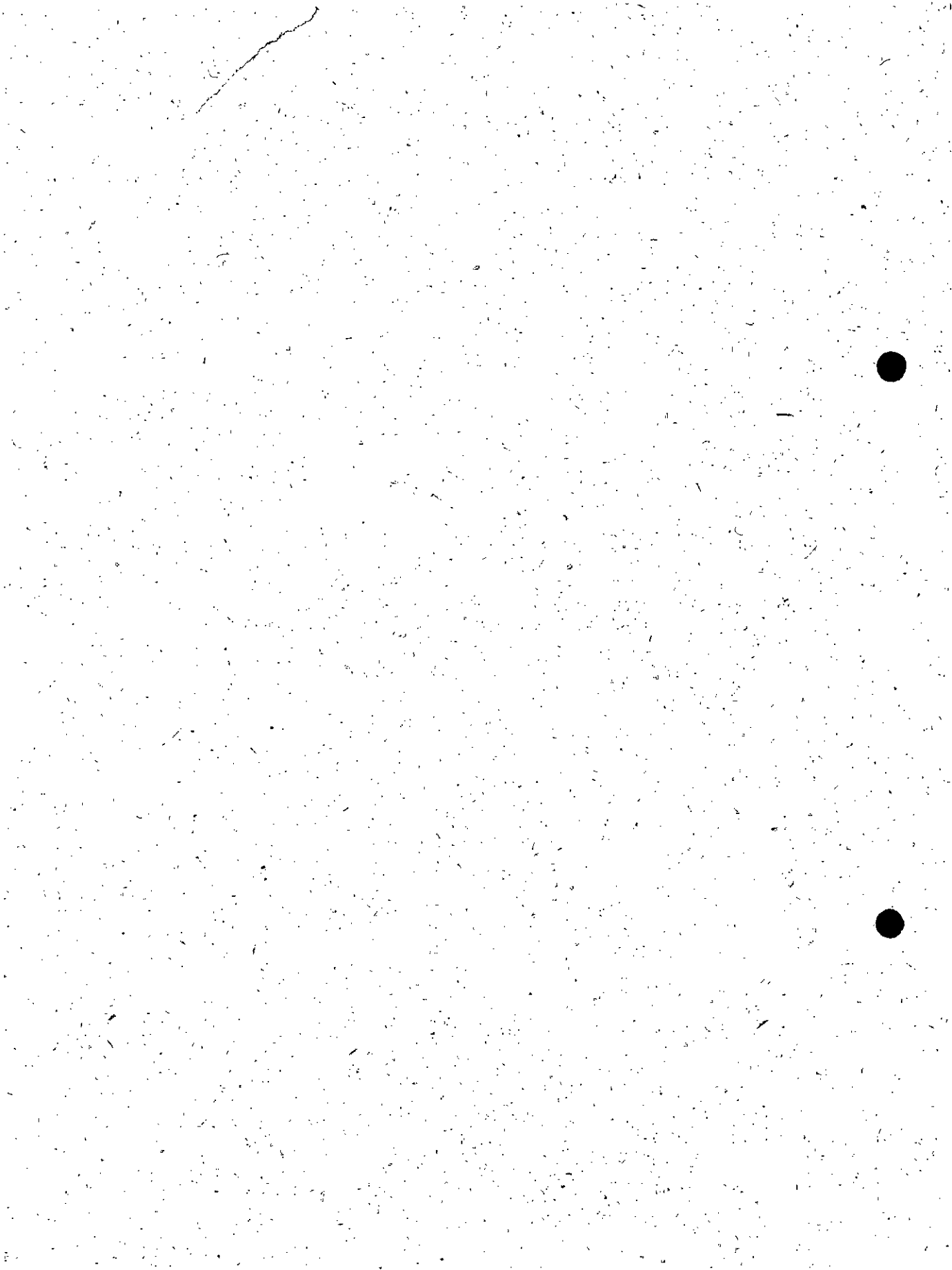
Mah.  
XII of  
1990.

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 1990<sup>1</sup>.

[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;

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<sup>1</sup> 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 1990.**  
**Mah. XIII of 1990.**

**Sitting women councillors to continue to hold office.**



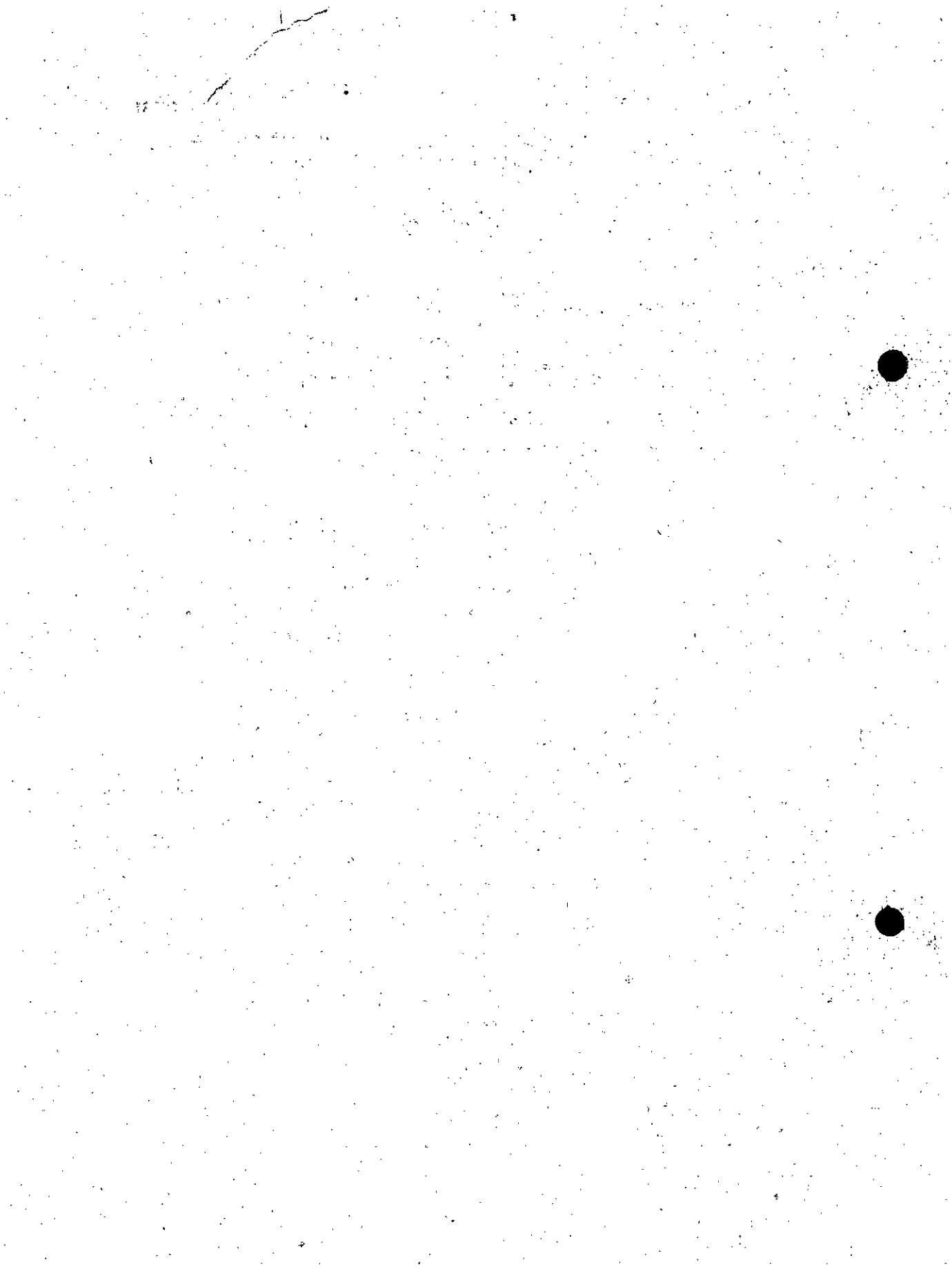
**THE CITY OF NAGPUR CORPORATION AND MAHARASHTRA  
MUNICIPALITIES (AMENDMENT) ACT, 1990.**

**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title and commencement.
2. Amendment of section 9 of C. P. and Berar II of 1950.
3. Amendment of section 17 of C.P. and Berar II of 1950.
4. Amendment of section 9 of Mah. XL of 1965.
5. Repeal of Mah. Ord. IX of 1990 and saving.



MAHARASHTRA ACT No. XXXIII OF 1990<sup>1</sup>.

[THE CITY OF NAGPUR CORPORATION AND MAHARASHTRA MUNICIPALITIES (AMENDMENT) ACT, 1990.]

[This Act received the assent of the Governor on the 16th December 1990; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 17th December 1990].

An Act further to amend 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 C.P. and Be-  
existed which rendered it necessary for him to take immediate action further to amend rar II of 1950.  
the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, Mah. XL of  
1965, for the purposes hereinafter appearing; and, therefore, promulgated the City Ord. IX of  
of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1990.  
1990, on the 17th September 1990;

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<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1990, Part V, Extraordinary, p. 383.

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 commencement. 1. (1) This Act may be called the City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Act, 1990.  
(2) It shall be deemed to have come into force on the 17th September 1990.

Amendment of section 9 of C. P. and Berar II of 1950. 2. In section 9 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as the "Nagpur Corporation Act"), in sub-section (1), for the brackets and words "(not exceeding seventy-five)" the brackets and words "(not exceeding one hundred)" shall be substituted. C.P. and Berar II of 1950.

Amendment of section 17 of C. P. and Berar II of 1950. 3. In section 17 of the Nagpur Corporation Act, in sub-section (1-A), for the figures, letters and words "15th day of November 1990", in both the places where they occur the figures, letters and words "9th day of May 1991" shall be substituted.

4. [Amendment of section 9 of Mah. XL of 1965].—Amendments have been carried out in the Principal Act.

Repeal of Mah. Ord. IX of 1990 and saving. 5. (1) The City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Ordinance, 1990 is hereby repealed. Mah. Ord. IX of 1990.

(2) Notwithstanding such repeal, anything done or any action taken under the relevant Acts, as amended by the Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant Acts, as amended by this Act.

THE MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1991

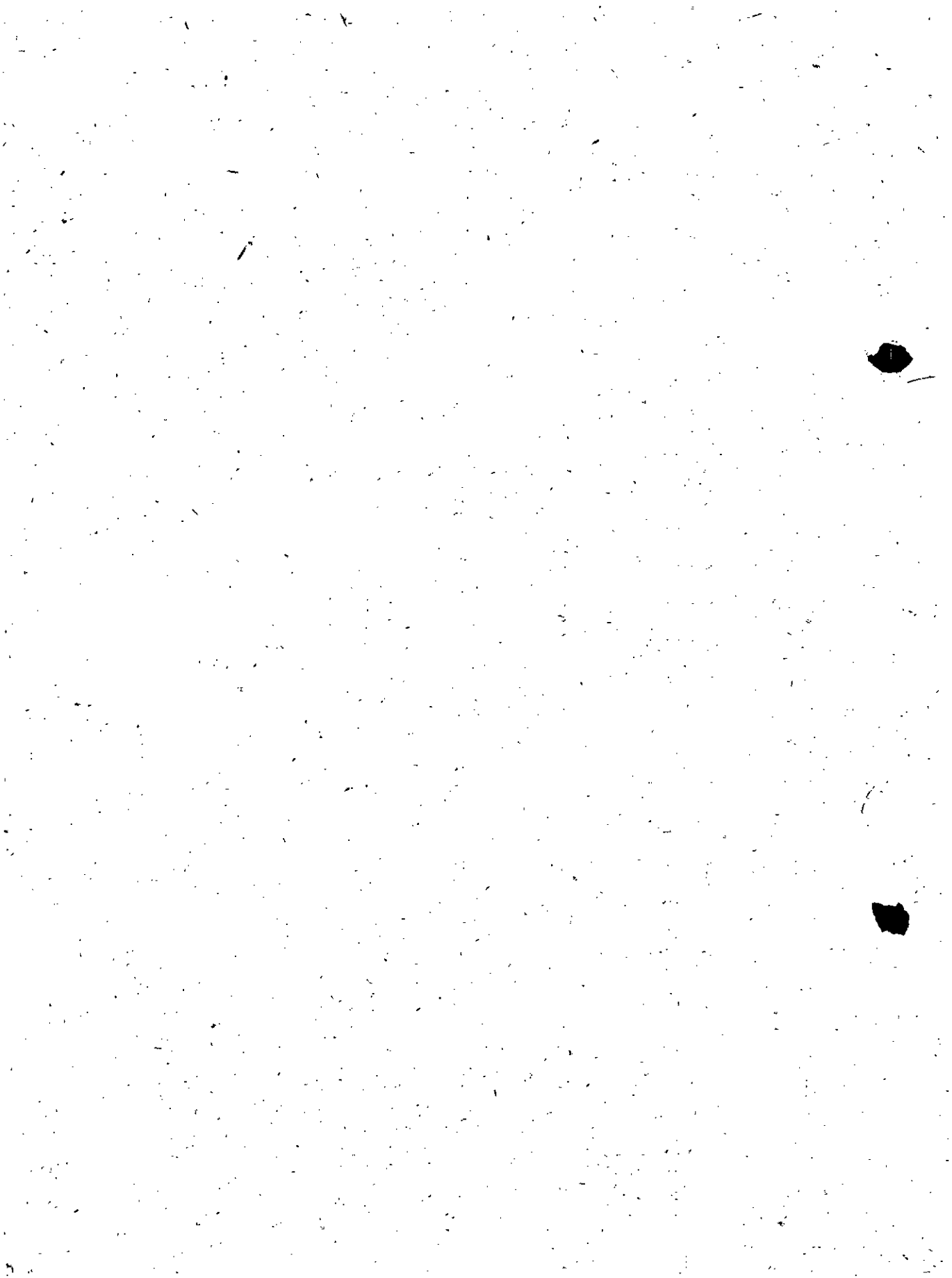
CONTENTS

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.<sup>1</sup>

## 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 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. 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.

<sup>1</sup>. 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.

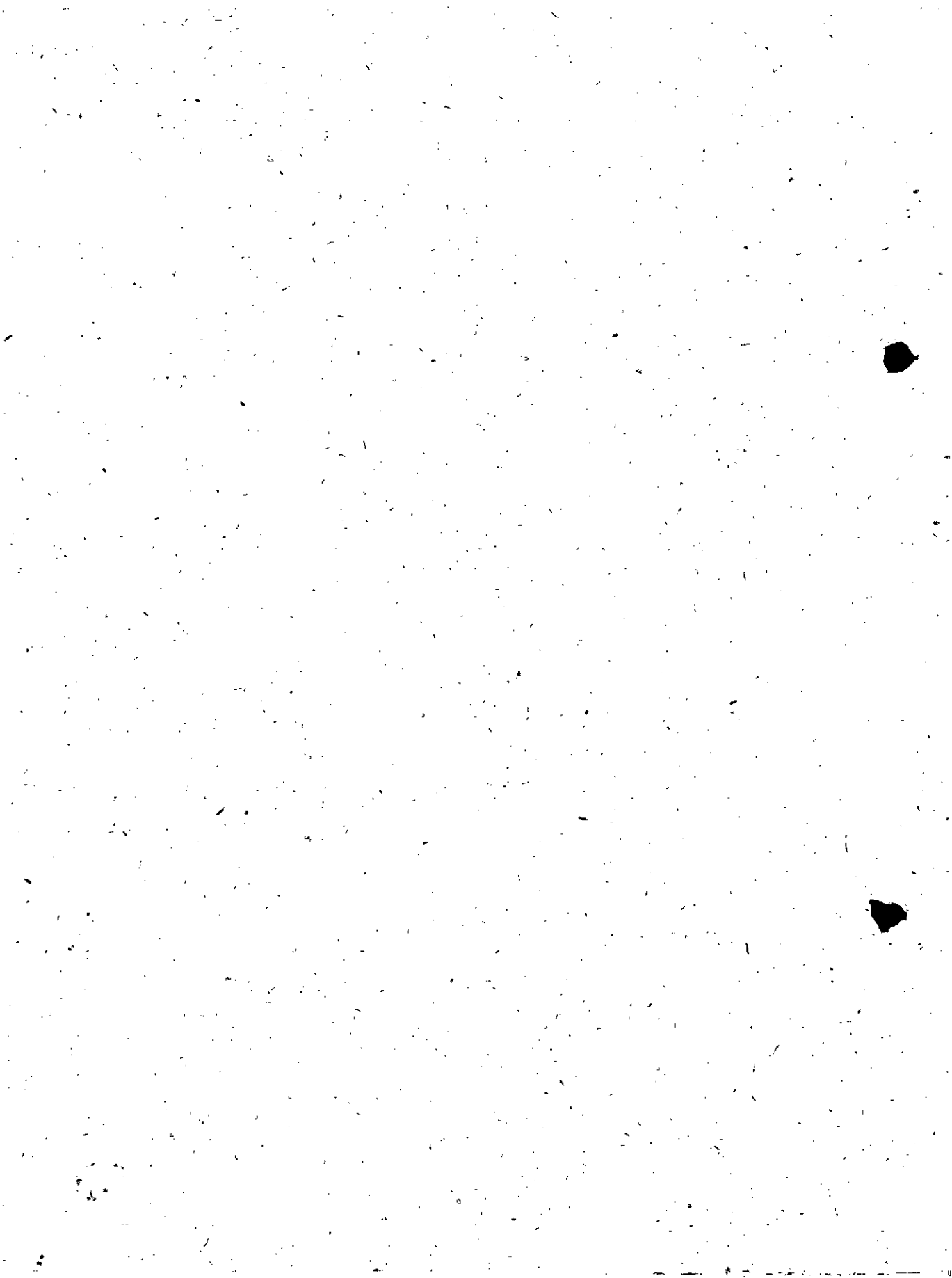
THE MUNICIPAL CORPORATIONS (SECOND AMENDMENT) ACT, 1991.

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 1991<sup>1</sup>( 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.

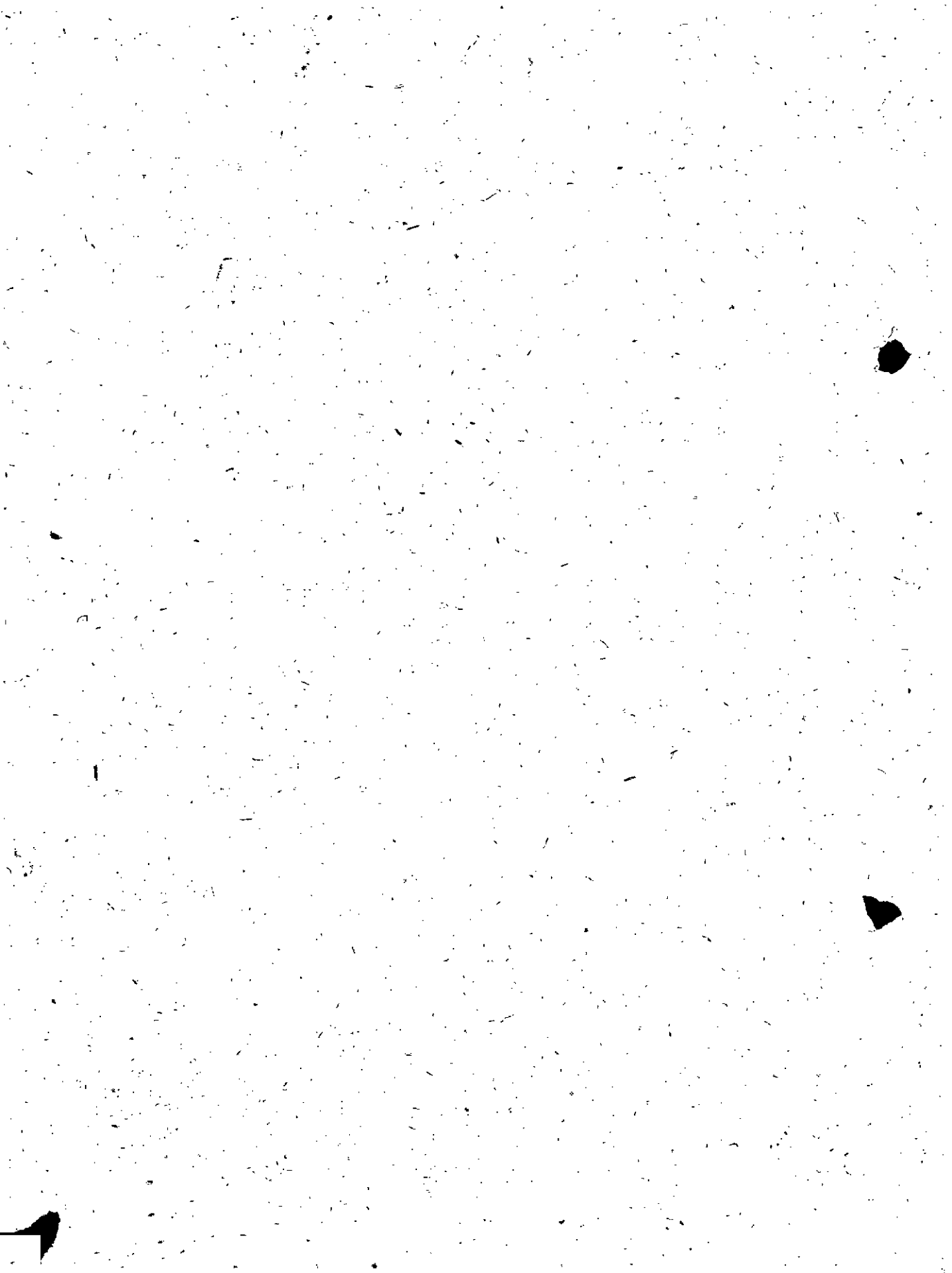
Amendment  
of section 18  
of C. P. and  
Berar II  
1950.

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.

<sup>1</sup> 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

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## SECTIONS.

1. Short title and commencement.
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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.

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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 CITY OF NAGPUR CORPORATION (AMENDMENT)  
ACT, 1999.**

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**SECTIONS**

1. Short title and commencement.
2. Amendment of section 5 of C. P. and Berar II of 1950.
3. Substitution of section 6 of C. P. and Berar II of 1950.
4. Insertion of section 16A in C. P. and Berar II of 1950.
5. Substitution of section 20 of C. P. and Berar II of 1950.
6. Deletion of sections 20-1A, 20-1B, 20-1C and 20-1D of C. P. and Berar II of 1950.
7. Amendment of section 20-1E of C. P. and Berar II of 1950.
8. Amendment of section 20A of C. P. and Berar II of 1950.
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12. Amendment of section 25 of C. P. and Berar II of 1950.
13. Substitution of section 26 of C. P. and Berar II of 1950.
14. Substitution of section 29 of C. P. and Berar II of 1950.
15. Amendment of section 30 of C. P. and Berar II of 1950.
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17. Amendment of section 31 of C. P. and Berar II of 1950.
18. Substitution of sections 33 to 38 for section 33 of C. P. and Berar II of 1950.
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20. Deletion of section 38B of C. P. and Berar II of 1950.
21. Insertion of section 39 in C. P. and Berar II of 1950.
22. Amendment of section 40 of C. P. and Berar II of 1950.
23. Amendment of section 41 of C. P. and Berar II of 1950.

21. Amendment of section 43 of C. P. and Berar II of 1950.
22. Substitution of section 46 of C. P. and Berar II of 1950.
23. Deletion of section 49A of C. P. and Berar II of 1950.
24. Amendment of section 50 of C. P. and Berar II of 1950.
25. Amendment of section 53 of C. P. and Berar II of 1950.
26. Amendment of section 58C of C. P. and Berar II of 1950.
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28. Deletion of sections 59A and 59B of C. P. and Berar II of 1950.
29. Amendment of section 59C of C. P. and Berar II of 1950.
30. Amendment of section 60 of C. P. and Berar II of 1950.
31. Amendment of section 61 of C. P. and Berar II of 1950.
32. Amendment of section 63 of C. P. and Berar II of 1950.
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34. Amendment of section 67 of C. P. and Berar II of 1950.
35. Amendment of section 68 of C. P. and Berar II of 1950.
36. Amendment of section 70 of C. P. and Berar II of 1950.
37. Amendment of section 82 of C. P. and Berar II of 1950.
38. Amendment of section 83A of C. P. and Berar II of 1950.
39. Amendment of section 83B of C. P. and Berar II of 1950.
40. Amendment of section 84 of C. P. and Berar II of 1950.
41. Amendment of section 85 of C. P. and Berar II of 1950.
42. Amendment of section 86 of C. P. and Berar II of 1950.
43. Amendment of section 87 of C. P. and Berar II of 1950.
44. Amendment of section 94 of C. P. and Berar II of 1950.
45. Amendment of section 106 of C. P. and Berar II of 1950.
46. Amendment of section 108 of C. P. and Berar II of 1950.
47. Amendment of section 110 of C. P. and Berar II of 1950.
48. Amendment of section 111 of C. P. and Berar II of 1950.
49. Amendment of section 112 of C. P. and Berar II of 1950.
50. Amendment of section 113 of C. P. and Berar II of 1950.
51. Amendment of section 124 of C. P. and Berar II of 1950.
52. Amendment of section 167 of C. P. and Berar II of 1950.



56. Amendment of section 189 of C. P. and Berar II of 1950.
57. Amendment of section 190 of C. P. and Berar II of 1950.
58. Amendment of section 222 of C. P. and Berar II of 1950.
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60. Amendment of section 230 of C. P. and Berar II of 1950.
61. Amendment of section 235 of C. P. and Berar II of 1950.
62. Amendment of section 267 of C. P. and Berar II of 1950.
63. Amendment of section 268 of C. P. and Berar II of 1950.
64. Amendment of section 271 of C. P. and Berar II of 1950.
65. Amendment of section 288 of C. P. and Berar II of 1950.
66. Amendment of section 299 of C. P. and Berar II of 1950.
67. Amendment of section 301 of C. P. and Berar II of 1950.
68. Amendment of section 318 of C. P. and Berar II of 1950.
69. Amendment of section 334 of C. P. and Berar II of 1950.
70. Amendment of section 349 of C. P. and Berar II of 1950.
71. Amendment of section 359 of C. P. and Berar II of 1950.
72. Amendment of section 365 of C. P. and Berar II of 1950.
73. Amendment of section 368 of C. P. and Berar II of 1950.
74. Amendment of section 383 of C. P. and Berar II of 1950.
75. Amendment of section 384 of C. P. and Berar II of 1950.
76. Amendment of section 385 of C. P. and Berar II of 1950.
77. Amendment of section 386 of C. P. and Berar II of 1950.
78. Amendment of section 403 of C. P. and Berar II of 1950.
79. Amendment of section 409 of C. P. and Berar II of 1950.
80. Amendment of section 411 of C. P. and Berar II of 1950.
81. Insertion of section 413 of C. P. and Berar II of 1950.
82. Amendment of section 415 of C. P. and Berar II of 1950.
83. Power to remove difficulty.

# MAHARASHTRA ACT No. XXVI OF 1999<sup>1</sup>.

[THE CITY OF NAGPUR CORPORATION (AMENDMENT)  
ACT, 1999.]

(This Act received the assent of the Governor on the 23rd April 1999; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 23rd April 1999.)

## An Act further to amend the City of Nagpur Corporation Act, 1948.

C.P.  
and  
Berar  
II of  
1950.

WHEREAS it is expedient further to amend the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby enacted in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the City of Nagpur (orporation (Amendment) Act, 1999.

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.

C.P.  
and  
Berar  
II of  
1950.

2. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the principal Act"),—

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

(a) in clause (13), in sub-clause (ii), the words "Chairperson or" shall be deleted;

(b) clauses (27AA) and (27AAA) shall be deleted.

3. For section 6 of the principal Act, the following section shall be substituted, namely:—

Substitu-  
tion of  
section 6 of  
C.P. and  
Berar II of  
1950.

"6. The Municipal authorities charged with carrying out the provisions of this Act shall be,—

Municipal  
authorities  
charged  
with the  
execution  
of this Act.

(a) the Corporation;

(b) the Standing Committee;

(c) the Mayor; and

(d) the Commissioner."

4. After section 16 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
section 16A  
in C.P.  
and Berar  
II in 1950.

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Extraordinary, Part V, dated the 27th July 1998, p. 489.

Notification  
of elections  
of Mayor  
and Deputy  
Mayor.

**"16A.** Every election of the Mayor or Deputy Mayor shall be notified in the prescribed manner and such persons shall enter on their respective offices from the date specified for that purpose in such notification."

Substitution  
of section  
20 of C.P.  
and Berar  
II of 1950.

**5.** For section 20 of the principal Act, the following section shall be substituted, namely :—

Election of  
Mayor and  
Deputy  
Mayor and  
reservation  
of office of  
Mayor.

**"20.** (1) The elected Councillors of the Corporation shall, subject to the provisions of sub-section (2), at the first meeting of the Corporation after general elections and at its first meeting in the same month in each succeeding year, elect from amongst themselves, a Mayor and a Deputy Mayor.

(2) 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.

(3) Notwithstanding anything contained in sub-section (1), on the date of commencement of the City of Nagpur Corporation (Amendment) Act, 1999, the term of office of the Mayor, who is in office on the said date, shall be deemed to have come to an end and he shall have vacated his office on the said date. The Mayor in office having so vacated his office, the first meeting for the purpose of election of the new Mayor, after the said date shall be held by the Commissioner within a period of seven days from the said date and all other provisions of this Act relating to such election shall, *mutantibus mutandis* apply :

Mah.  
XXVI  
of  
1999.

Provided that Mayor in office immediately before the said date shall continue till the new Mayor enters the office.

(4) 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.

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

(6) 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.

(7) 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.”.

6. Sections 20-1A, 20-1B, 20-1C and 20-1D of the principal Act shall be deleted.

Deletion of sections 20-1A, 20-1B, 20-1C and 20-1D of C.P. and Berar II of 1950.

7. In section 20-1E of the principal Act,—

(a) in sub-section (1),—

(i) for the words “Chairperson of the Corporation” the word “Mayor” shall be substituted ;

(ii) in *Explanation*, for the words “Chairperson of the Corporation” the word “Mayor” shall be substituted ;

(b) sub-section (2) shall be deleted.

Amendment of section 20-1E of C.P. and Berar II of 1950.

8. In section 20A of the principal Act,—

(a) in sub-section (1), the words “the Chairperson of the Corporation, the Deputy Chairperson, the Mayor, the Deputy Mayor, the members of the Mayor-in-Council, and” shall be deleted ;

(b) for sub-section (2), the following sub-section shall be substituted, namely :—

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

(c) in sub-section (3), for the words “by the Chairperson, the Deputy Chairperson, the Mayor, the Deputy Mayor, the members of the Mayor-in-Council, and a Councillor” the words “by a Councillor” shall be substituted.

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

9. In section 21 of the principal Act, in sub-section (1), for the words “the Chairperson of the Corporation, the Deputy Chairperson, the Mayor, the Deputy Mayor, and the members of the Mayor-in-Council” the words “Mayor or Deputy Mayor” shall be substituted.

Amendment of section 21 of C.P. and Berar II of 1950.

Amendment  
of section  
22 of C.P.  
and Berar  
II of 1950.

**10.** In section 22 of the principal Act, in sub-section (1), in clause (a), for the words "the Chairperson of the Corporation, the Deputy Chairperson, the Mayor, the Deputy Mayor and the members of the Mayor-in-Council" the words "Mayor and Deputy Mayor" shall be substituted.

Insertion of  
section 24  
in C.P.  
and Berar  
II of 1950.

**11.** After section 23 of the principal Act, the following section shall be inserted, namely :—

First  
meeting  
after  
general  
election.

"**24.** After every general election notwithstanding anything contained in this Act, the Commissioner shall call the first meeting of the Corporation on the date specified in the notification issued under section 16A, to elect the Mayor, the Deputy Mayor, the Standing Committee and the Special Consultative Committees."

Amendment  
of section  
25 of C.P.  
and Berar  
II of 1950.

**12.** In section 25 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The date of every meeting, except the meeting referred to in section 24, shall be fixed by the Mayor, or in the event of his being incapable of acting then by the Deputy Mayor, and in the like event in his case then by the Commissioner."

Substitution  
of section  
26 of C.P.  
and Berar  
II of 1950.

**13.** For section 26 of the principal Act, the following section shall be substituted, namely :—

Power of  
Mayor and  
Deputy  
Mayor to  
call special  
meeting.

"**26.** The Mayor, or in any such event as aforesaid, the Deputy Mayor may whenever he thinks fit call a special meeting, and shall be bound to do so within two weeks of the receipt of a written requisition signed by not less than three members of the Standing Committee."

Substitution  
of section  
29 of C.P.  
and Berar  
II of 1950.

**14.** For section 29 of the principal Act, the following section shall be substituted, namely :—

Chairman  
of meeting.

"**29.** (1) At a meeting of the Corporation the Mayor, if present, shall preside.

(2) If the Mayor is absent from a meeting of the Corporation, the Deputy Mayor shall preside.

(3) If both the Mayor and Deputy Mayor are absent from the meeting of the Corporation, the members present shall choose one of their number to preside.

(4) In the case of an equality of votes the person presiding at the meeting shall have a second or a casting vote."

15. In section 30 of the principal Act, in sub-section (2), for the word "Chairperson" the word "President" shall be substituted. Amendment of section 30 of C.P. and Berar II of 1950.
16. Sections 30A, 30B and 30C of the principal Act shall be deleted. Deletion of sections 30A, 30B and 30C of C.P. and Berar II of 1950.
17. In section 31 of the principal Act, in sub-section (2), for the words "or Mayor-in-Council" the words "or Standing Committee" shall be substituted. Amendment of section 31 of C.P. and Berar II of 1950.
18. For section 33 of the principal Act, the following sections shall be substituted, namely :— Substitution of sections 33 to 38 for section 33 of C.P. and Berar II of 1950.
- "33. The Standing Committee shall consist of sixteen Councillors. Constitution of Standing Committee.
34. (1) The Corporation shall, at its first meeting after general elections and at its first meeting in the same month in each succeeding years, elect sixteen out of its number to be members of the Standing Committee. The members of the Standing Committee shall, subject to the provisions of section 38, hold office until the first meeting of the Corporation in the next following year. Election of Standing Committee.
- (2) Any Councillor who ceases to be member of the Standing Committee shall be eligible for re-election.
35. (1) The Standing Committee shall at its first meeting elect one of its number to be Chairman of the Standing Committee until a new Standing Committee is constituted. Election of Chairman of Standing Committee.
- (2) In the absence of the Chairman the members of the Standing Committee present shall choose one of their number to preside over their meeting.
- (3) A member of the Standing Committee who ceases to be Chairman shall be eligible for re-election as such.
- (4) If any casual vacancy occurs in the office of Chairman, the Standing Committee shall, as soon as it conveniently can, after the occurrence of such vacancy, elect one of its number to fill the vacancy and every Chairman so elected shall continue in office for the unexpired term of his predecessor.

Absence  
from  
meeting of  
Standing  
Committee.

**36.** Any member of the Standing Committee, who absents himself from all meetings of the Standing Committee during two consecutive months shall cease to be a member of the Standing Committee, and his office as such member shall be vacant, and he shall not be eligible for re-election to the Committee during the unexpired term of the Corporation.

Casual  
vacancies in  
Standing  
Committee.

**37.** If any casual vacancy occurs in the office of a member of the Standing Committee, the Corporation shall, as soon as may be after the occurrence of such vacancy, elect one of its number to fill the vacancy and every Councillor so elected shall continue in office for the unexpired term of his predecessor.

Each  
Standing  
Committee  
to continue  
in office till  
a new  
Committee  
in  
constituted.

**38.** The Standing Committee in existence on the day for the retirement of Councillors shall continue to hold office until such time as a new Standing Committee is constituted under section 34 notwithstanding that the members of the said Committee, or some of them, may no longer be Councillors."

Amendment  
of section  
38A of C.P.  
and Berar II  
of 1950.

**19.** In section 38A of the principal Act,—

(a) in sub-section (2), proviso to clause (a), shall be deleted ;

(b) in sub-section (7), in clause (b), for the words "Mayor-in-Council" the word "Commissioner" shall be substituted.

Deletion of  
section 38B  
of C.P. and  
Berar II of  
1950.

**20.** Section 38B of the principal Act shall be deleted.

Insertion of  
section 39 in  
C.P. and  
Berar II of  
1950.

**21.** After section 38A of the principal Act, the following sub-heading and section shall be inserted, namely :—

**"Special Consultative Committees.**

Special  
Consultative  
Committees,  
their term,  
election and  
filling of  
casual  
vacancies.

**39.** (1) There shall be five Special Consultative Committees each consisting of not less than five and not more than nine Councillors, namely :—

(a) a Public Works Committee to which may be referred for inquiry and report, or for opinion, any matter connected with roads, building, lighting, public parks and gardens ;

(b) a Public Health and Markets Committee to which may be referred for inquiry and report, or for opinion, any matter connected with public health and safety, health of animals in the City, sanitation, markets, slaughter-houses, vaccination, the disposal of rubbish and offensive matter, and regulation of dangerous and offensive trades ;

(c) an Education Committee to which may be referred for enquiry and report, or for opinion, any matter connected with education in the City;

(d) a Hospital Committee to which may be referred for enquiry and report or for opinion, any matter relating to hospitals and dispensaries and medical and public health administration in the City;

(e) a Waterworks Committee to which may be referred for enquiry and report or for opinion, any matter relating to water supply in the City and management of waterworks belonging to the Corporation.

(2) The term of office of every Committee mentioned in sub-section (1) shall be one year.

(3) At the first meeting after every general election the Corporation shall elect from among its Councillors members to serve on the Committees in sub-section (1).

(4) If casual vacancies reduce the number of members of a Committee below the minimum, the Corporation shall elect members to the vacancies from among the Councillors, and such members shall hold office for the unexpired term of the Committee.”

22. In section 40 of the principal Act,—

Amendment  
of section  
40 of C.P.  
and Berar  
II of 1950.

(a) for the words “ Corporation may elect ” the words “ Corporation may also elect ” shall be substituted;

(b) after the words “ Special Committees ” the words “ including the Women and Child Welfare Committee ” shall be inserted;

(c) following provisos and the *Explanation* shall be added, namely :—

“ Provided that, on the Women and Child Welfare Committee not less than seventy-five per cent. of the members shall be from amongst women Councillors :

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.

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



- Amendment of section 41 of C.P. and Berar II of 1950. **23.** In section 41 of the principal Act, in the first proviso, for the words "Chairperson, the Deputy Chairperson, Mayor or any member of the Special Committee" the words "the Mayor or Deputy Mayor or any member of the Standing or Special Consultative Committee" shall be substituted.
- Amendment of section 43 of C.P. and Berar II of 1950. **24.** In section 43 of the principal Act, after clause (i), the following clause shall be added, namely :—  
 "(ii) where the meeting is a meeting of the Standing Committee, such Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes."
- Substitution of section 46 of C.P. and Berar II of 1950. **25.** For section 46 of the principal Act, the following section shall be substituted, namely :—  
 "46. The Commissioner shall be the principal executive officer of the Corporation and all other officers and servants of the Corporation shall be subordinate to him. He shall have the right to speak at, and otherwise take part in, any meeting of the Corporation or any Committee thereof, but shall not be entitled to vote or to move any proposition."
- Powers of Commissioner. **26.** Section 49A of the principal Act shall be deleted.
- Deletion of section 49A of C.P. and Berar II of 1950. **27.** In section 50 of the principal Act, in sub-section (1), in the proviso,—  
 (i) in clause (2), for the words "Mayor-in Council" the words "Standing Committee" shall be substituted ;  
 (ii) in clause (4), for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted.
- Amendment of section 53 of C.P. and Berar II of 1950. **28.** In section 53 of the principal Act, in sub-section (2), in clause (vii), in the proviso, for the words "Mayor-in-Council" the word "Commissioner" shall be substituted.
- Amendment of section 58C of C.P. and Berar II of 1950. **29.** In section 58C of the principal Act, for the word "Mayor" the word "Commissioner" shall be substituted.
- Substitution of section 59 of C.P. and Berar II of 1950. **30.** For section 59 of the principal Act, the following section shall be substituted, namely :—

“59. (1) The functions of the several Municipal authorities shall be such as are specifically prescribed in this Act.

Functions of several Municipal authorities.

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

Municipal government of City vests in Corporation.

(3) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or of the Standing 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 this Act vests in the Commissioner, who shall also—

Special functions of Commissioner.

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act ;

(b) exercise, supervision and control over the acts and proceedings of all municipal officers and servants, and, subject to the rules or bye-laws, for the time being in force, dispose of all questions relating to the services of the said officers and servants and their pay, privileges and allowances.

(4) On the occurrence of any accident or unforeseen event, or on the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property of the Corporation or danger to human or animal life, the Commissioner shall in consultation and with the approval of Mayor take such immediate action, as the emergency shall appear to them to justify and require, reporting forthwith to the Standing Committee or the Corporation, when they have done so, the action they have taken and their reasons for taking the same and the cost, if any, incurred or likely to be incurred in consequence of such action and not covered by a current budget grant :

Emergency powers of Mayor and Commissioner.

Provided that, in absence of either the Mayor or the Commissioner, any one of them who is present shall take such immediate decision and action.

(5) Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by this Act may be exercised, performed or discharged under the Commissioner's control and subject to his superintendence and to such conditions and limitations, if any, as he may think fit to prescribe, by any municipal officer whom the Commissioner may generally or specially empower in writing in this behalf.”

Municipal officers may be empowered to exercise powers of Commissioner.

- Deletion of section 59A and 59B of C.P. and Berar II of 1950. **31.** Sections 59A and 59B of the principal Act shall be deleted.
- Amendment of section 59C of C.P. and Berar II of 1950. **32.** In section 59C of the principal Act, the words “the Member-in-Charge” shall be deleted.
- Amendment of section 60 of C.P. and Berar II of 1950. **33.** In section 60 of the principal Act,—  
 (a) for the words “any Committee”, where they occur for the first time, the words “the Standing Committee” shall be substituted ;  
 (b) for the words “such Committee”, where they occur for the second and third time, the words “the Standing Committee” shall be substituted ;  
 (c) in the marginal note, for the word “Committee” the words “Standing Committee” shall be substituted.
- Amendment of section 61 of C.P. and Berar II of 1950. **34.** In section 61 of the principal Act,—  
 (a) for the word “Mayor”, wherever it occurs, the word “Commissioner” shall be substituted ;  
 (b) in sub-section (3), for the words “the Chairperson of the Corporation, the Chairperson of the Municipal Accounts Committee and one Councillor chosen by the Corporation” the words “the Mayor, one Councillor chosen by the Corporation and one member elected by the Standing Committee from amongst its members” shall be substituted ;  
 (c) in the marginal note, for the word “Mayor”, the word “Commissioner” shall be substituted.
- Amendment of section 63 of C.P. and Berar II of 1950. **35.** In section 63 of the principal 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 ten lakhs but not exceeding rupees twenty lakhs shall be made by the Commissioner, unless the same is approved by the Mayor. For any contract, which involves an expenditure in excess of rupees twenty lakhs, the previous approval of the Standing Committee shall be necessary :

Provided that, the Standing Committee shall consider and dispose of the proposals made by the Commissioner for previous approval, within thirty days from the date of receipt thereof, failing which the previous 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), for the words “Member-in charge” the words “Standing Committee” shall be substituted.

36. After section 64 of the principal Act, the following section shall be inserted, namely :—

Insertion of  
section 64A  
of M.C.P.  
and Berar  
II of 1950.

“64A. The Commissioner shall execute all the resolutions made by the Corporation, the Standing Committee or any other Committees :

Commissioner  
to execute  
resolutions.

Provided that, the Corporation, the Standing Committee or any other Committee, as the case may be, shall obtain and take into consideration the remarks of the Commissioner, before making any resolution :

Provided further that, if the Commissioner is of the opinion that the resolution passed or decision taken by the Corporation or any of the Committee is against the provision of any law for the time being in force or may lead to wastage of municipal funds or seeks to divert funds allocated for any of the obligatory duties of the Corporation to some other purpose or is against the policy of the State Government, he may, before implementing the decision seek the direction from the State Government and the State Government, shall within forty-five days of the receipt of such reference made by the Commissioner issue directions to the Commissioner whether such decision should be implemented or not and the directions issued by the State Government shall be binding on the Corporation, or the concerned Committee, as the case may be.”.

37. In section 67 of the principal Act,—

Amendment  
of section  
67 of C.P.  
and Berar  
II of 1950.

(a) in sub-section (1), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted ;

(b) in sub-section (2), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted.

38. In section 68 of the principal Act, in sub-section (1), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted.

Amendment  
of section  
68 of C.P.  
and Berar  
II of 1950.

Amendment  
of section  
70 of C.P.  
and Berar  
II of 1950.

**39.** In section 70 of the principal Act,—

(a) in sub-section (2),—

(i) in clause (a),—

(A) for the words “with the approval of the Member-in-charge” the words “in his discretion” shall be substituted;

(B) the following proviso shall be added, namely:—

“Provided that, every such lease granted by the Commissioner other than a lease of a class in respect of which the Standing Committee has by resolution exempted the Commissioner from compliance with the requirements of this proviso, shall be reported by him to the Standing Committee within fifteen days after the same has been granted;”;

(ii) in clause (b), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted;

(b) in sub-section (3), in clause (b), for the words “the concerned Committee” the words “Standing Committee” shall be substituted;

(c) in sub-section (4), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted.

Amendment  
of section  
82 of C.P.  
and Berar  
II of 1950.

**40.** In section 82 of the principal Act, for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted.

Amendment  
of section  
83A of C.P.  
and Berar  
II of 1950.

**41.** In section 83A of the principal Act, in sub-section (4), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted.

Amendment  
of section  
83B of C.P.  
and Berar  
II of 1950.

**42.** In section 83B of the principal Act, for the words “Mayor-in-Council”, wherever they occur, the words “Standing Committee” shall be substituted.

Amendment  
of section  
84 of C.P.  
and Berar  
II of 1950.

**43.** In section 84 of the principal Act, in the proviso, in clause (a), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted.

Amendment  
of section  
85 of C.P.  
and Berar  
II of 1950.

**44.** In section 85 of the principal Act,—

(a) for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted;

(b) in the marginal note, for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted.

45. In section 86 of the principal Act,—

Amendment  
of section  
86 of C.P.  
and Berar  
II of 1950.

(a) in sub-section (1),—

(i) for the words "Member-in-Charge" the word "Commissioner" shall be substituted ;

(ii) for the words "submitted to the Mayor-in-Council" the words "laid before the Standing Committee" shall be substituted ;

(iii) for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted ;

(b) in sub-section (1A), for the words "Member-in-charge" the word "Commissioner" shall be substituted ;

(c) in sub-section (2), in clause (ca), for the words "Member-in-charge" at both the places where it occurs, the word "Commissioner" shall be substituted ;

(d) in sub-section (3),—

(i) for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted ;

(ii) for the words "Member-in-charge" the word "Commissioner" shall be substituted ;

(e) in sub-section (4), in the first proviso, for the words "Member-in-charge, with the approval of the Mayor-in-Council," the word "Commissioner" shall be substituted.

46. In section 87 of the principal Act,—

Amendment  
of section  
87 of C.P.  
and Berar  
II of 1950.

(a) in sub-section (1), for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted ;

(b) in sub-section (2),—

(i) for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted ;

(ii) in the marginal note, for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted.

47. In section 94 of the principal Act, for the words "Member-in-charge" the words "Chairman of the Standing Committee" shall be substituted.

Amendment  
of section  
94 of C.P.  
and Berar  
II of 1950.

- Amendment of section 106 of C.P. and Berar II of 1950. **48.** In section 106 of the principal Act, in sub-section (2), for the words "shall be submitted to Mayor-in-Council and Mayor shall lay" the words "shall be laid" shall be substituted.
- Amendment of section 108 of C.P. and Berar II of 1950. **49.** In section 108 of the principal Act,—  
(a) for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted;  
(b) in the marginal note, for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted.
- Amendment of section 110 of C.P. and Berar II of 1950. **50.** In section 110 of the principal Act, in sub-section (1), the words "with the approval of the Mayor-in-Council" shall be deleted.
- Amendment of section 111 of C.P. and Berar II of 1950. **51.** In section 111 of the principal Act, in sub-section (2), for the words "Municipal Accounts Committee," at both the places where they occur, the words "Standing Committee" shall be substituted.
- Amendment of section 112 of C.P. and Berar II of 1950. **52.** In section 112 of the principal Act, for the words "Mayor-in-Council and the Municipal Accounts Committee" at both the places where they occur, the words "Standing Committee" shall be substituted.
- Amendment of section 113 of C.P. and Berar II of 1950. **53.** In section 113 of the principal Act, in sub-section (1),—  
(a) for the words "or Mayor-in-Council" the words "the Standing Committee or the Commissioner" shall be substituted;  
(b) for the words "by the auditor together with the report of the Municipal Accounts Committee" the words "by the auditor" shall be substituted.
- Amendment of section 124 of C.P. and Berar II of 1950. **54.** In section 124 of the principal Act, in sub-section (3), for the words "Mayor-in-Council," the words "Standing Committee" shall be substituted.
- Amendment of section 167 of C.P. and Berar II of 1950. **55.** In section 167 of the principal Act, for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted.
- Amendment of section 189 of C.P. and Berar II of 1950. **56.** In section 189 of the principal Act, in sub-section (1), for the words "Member-in-Charge," the words "Standing Committee" shall be substituted.

57. In section 190 of the principal Act, in sub-section (3), in the proviso, for the words "Member-in-Charge," the words "Standing Committee" shall be substituted.

Amendment  
of section  
190 of C.P.  
and Berar  
II of 1950.

58. In section 222 of the principal Act,—

(a) for the words "Mayor-in-Council" the word "Commissioner" shall be substituted;

Amendment  
of section  
222 of C.P.  
and Berar  
II of 1950.

(b) for the portion beginning with the words "and may refer" and ending with the words "appear to him require modification", the following shall be substituted, namely:—

"and may refer to the Standing Committee any question connected with the carrying out of such a scheme in which the intention of the Corporation does not appear to him to have been clearly expressed, or in which the provisions of the scheme appear to him to require modification. The Standing Committee shall in its discretion either decide the question or refer the matter for the orders of the Corporation.:"

(c) in the marginal note, the words "and the Standing Committee" shall be added at the end.

59. In section 227 of the principal Act,—

(a) in clause (d), for the word "Mayor" the word "Commissioner" shall be substituted;

Amendment  
of section  
227 of C.P.  
and Berar  
II of 1950.

(b) in the marginal note, for the word "Mayor" the word "Commissioner" shall be substituted.

60. In section 230 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment  
of section  
230 of C.P.  
and Berar  
II of 1950.

"(2) It shall be in the discretion of the Commissioner to grant a licence for any of the purposes referred to in sub-section (1) subject to such restrictions or conditions as he may think fit to specify or to refuse to grant such licence.:"

(b) in sub-section (4), for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted.

61. In section 235 of the principal Act, in sub-section (1), for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted.

Amendment  
of section  
235 of C.P.  
and Berar  
II of 1950.



- Amendment of section 267 of C.P. and Berar II of 1950. **62.** In section 267 of the principal Act, in sub-section (1), for the words "to the Mayor-in-Council and the Mayor-in-Council shall forward the same with its opinion to the Corporation for its consideration" the words "to the Corporation" shall be substituted.
- Amendment of section 268 of C.P. and Berar II of 1950. **63.** In section 268 of the principal Act, in sub-section (1), for the words "to the Mayor-in-Council and the Mayor-in Council shall forward the same with its opinion to the Corporation" the words "to the Corporation" shall be substituted.
- Amendment of section 271 of C.P. and Berar II of 1950. **64.** In section 271 of the principal Act,—  
(a) in sub-section (3), for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted ;  
(b) in sub-section (4),—  
(i) for the words "Mayor-in-Council", at both the places where they occur, the words "Standing Committee" shall be substituted ;  
(ii) after the words "together with" the words "the opinion of the Commissioner and" shall be inserted.
- Amendment of section 288 of C.P. and Berar II of 1950. **65.** In section 288 of the principal Act, for the words "Member-in-Charge", wherever they occur, the words "Standing Committee" shall be substituted.
- Amendment of section 299 of C.P. and Berar II of 1950. **66.** In section 299 of the principal Act, in-sub-section (1), the words "with the approval of the Mayor-in-Council" shall be deleted.
- Amendment of section 301 of C.P. and Berar II of 1950. **67.** In section 301 of the principal Act,—  
(a) in sub-section (1), for the words "the Corporation or the Mayor-in-Council", at both the places where they occur, the words "the Corporation or the Commissioner" shall be substituted ;  
(b) in sub-section (2), for the words "the Corporation or the Mayor-in-Council", at both the places where they occur, the words "the Corporation or the Commissioner" shall be substituted.
- Amendment of section 318 of C.P. and Berar II of 1950. **68.** In section 318 of the principal Act,—  
(a) sub-section (A1), shall be deleted ;  
(b) in sub-section (1), the following clause shall be inserted, namely :—

“(a) with the sanction of the Corporation determine the name by which any street shall be known;”.

- 69.** In section 334 of the principal Act, in-sub-section (1), for the words “the Commissioner with the approval of the Mayor-in-Council shall issue instructions for” the words “the Commissioner shall make regulations for” shall be substituted. Amendment of section 334 of C.P. and Berar II of 1950.
- 70.** In section 349 of the principal Act, in clause (a), for the words “or the Mayor-in-Council” the words “or the Standing Committee” shall be substituted. Amendment of section 349 of C.P. and Berar II of 1950.
- 71.** In section 359 of the principal Act, in sub-section (1), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted. Amendment of section 359 of C.P. and Berar II of 1950.
- 72.** In section 365 of the principal Act, for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted. Amendment of section 365 of C.P. and Berar II of 1950.
- 73.** In section 368 of the principal Act, in sub-section (4), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted. Amendment of section 368 of C.P. and Berar II of 1950.
- 74.** In section 383 of the principal Act,— Amendment of section 383 of C.P. and Berar II of 1950.
- (a) in clause (d), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted;
- (b) in the proviso,—
- (i) for the words “Member-in-Charge” the words “Standing Committee” shall be substituted;
- (ii) for the words “the Mayor-in-Council” the words “the Corporation” shall be substituted.
- 75.** In section 384 of the principal Act,— Amendment of section 384 of C.P. and Berar II of 1950.
- (a) in sub-section (1), for the words “Mayor-in-Council”, at both the places where they occur, the words “Standing Committee” shall be substituted;
- (b) in sub-section (5), for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted.
- 76.** In section 385 of the principal Act, for the words “Mayor-in-Council” the words “Standing Committee” shall be substituted. Amendment of section 385 of C.P. and Berar II of 1950.

- Amendment of section 386 of C.P. and Berar II of 1950. **77.** In section 386 of the principal Act, for the words "Mayor-in-Council", at both the places where they occur, the words "Standing Committee" shall be substituted.
- Amendment of section 403 of C.P. and Berar II of 1950. **78.** In section 403 of the principal Act, for the words "Mayor-in-Council", at both the places where they occur, the words "Standing Committee" shall be substituted.
- Amendment of section 409 of C.P. and Berar II of 1950. **79.** In section 409 of the principal Act, in clause (b), the words "the Mayor-in-Council," shall be deleted.
- Amendment of section 411 of C.P. and Berar II of 1950. **80.** In section 411 of the principal Act, in sub-section (1),—  
(a) for the words "Mayor-in-Council", at both the places where they occur, the words "the Standing Committee" shall be substituted ;  
(b) in sub-section (2), the words "Mayor-in-Council or the Member-in-charge" shall be deleted.
- Insertion of section 413 in C.P. and Berar II of 1950. **81.** After section 412 of the principal Act, the following section shall be inserted, namely:—  
  
Certain officials entitled to attend meetings of Corporation or Standing Committee. **"413.** Any officer of the Educational, Public Works, Medical, Sanitary and other Technical Departments, whom the State Government may, by genral or special order, appoint in this behalf, shall be entitled to attend any meeting of the Corporation or Standing Committee and address it on any matter, affecting the work of his Department."
- Amendment of section 415 of C.P. and Berar II of 1950. **82.** In section 415 of the principal Act, in sub-section (1),—  
(a) in clause (d), after the words "any committee" the words "other than the Standing Committee" shall be added ;  
(b) in clause (e), for the words "Mayor-in-Council" the words "Standing Committee" shall be substituted.
- Power to remove difficulty. **83.** (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, or by reason of anything contained therein or in giving effect to the provisions of the principal Act in respect of the matters contained in this Act, the State Government may, as occasion arises, by order do anything, not inconsistent with the provisions of the principal Act, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Any rules, regulations or by-laws made under the principal Act and in force immediately before the date of coming into force of this Act shall, *mutatis mutandis* apply for giving effect to all or any of the provisions of the principal Act as amended by this Act.

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**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 UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY

REPORT OF THE  
COMMISSION ON THE  
STRUCTURE OF THE  
ATOMIC NUCLEUS

BY  
R. F. C. FAULSTICH  
AND  
R. W. WILSON



THE MAHARASHTRA ACT, No. XLIII OF 2000<sup>1</sup>.

[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 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 Forty-sixth Year of the Republic of India as follows :—  
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, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 1995. Short title.

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.)

<sup>1</sup> 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 :—

C.P.  
and  
Berar  
II of  
1950.

“(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 :

Mah.  
XLIII  
of  
2000.

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  
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.

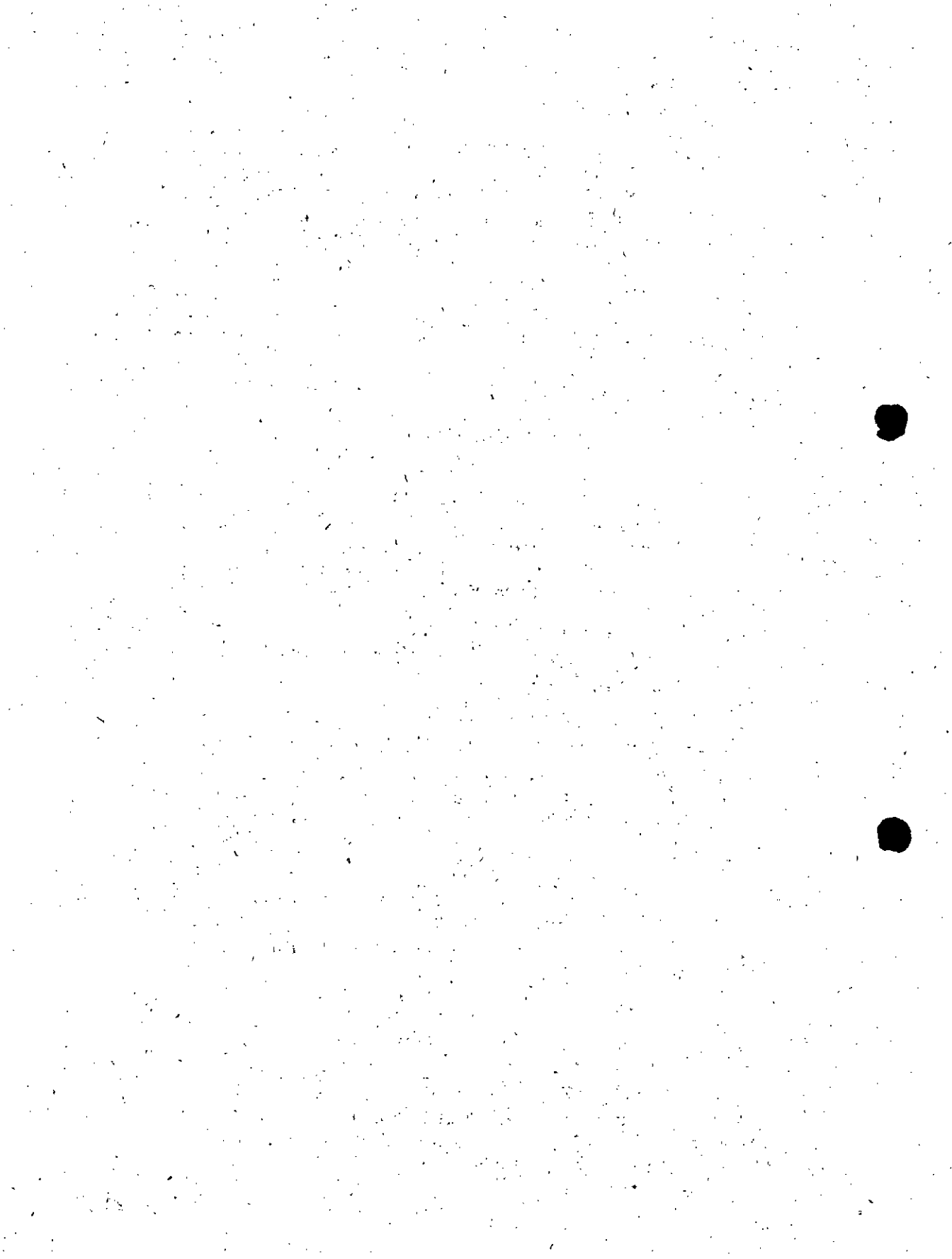
21. Election Programme and other incidental provisions with regard to elections.

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 2002<sup>1</sup>.**

[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;

<sup>1</sup> 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  
commence-  
ment.

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*, Bom. III of 1888.  
the Mumbai Municipal Corporation Act ;

(b) in the case of the Corporation of the City of Nagpur, C.P. and Berar II of 1950.  
the City of Nagpur Corporation Act, 1948 ;

(c) in the case of any other Corporation, the Bombay Bom. LIX of 1949.  
Provincial Municipal Corporations Act, 1949.

## CHAPTER VII

### MISCELLANEOUS

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.  
XXVIII  
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.

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THE MAHARASHTRA MUNICIPAL CORPORATIONS  
AND MUNICIPAL COUNCILS, NAGAR PANCHAYATS  
AND INDUSTRIAL TOWNSHIPS (AMENDMENT)  
ACT, 2000.

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CONTENTS :

PREAMBLE.

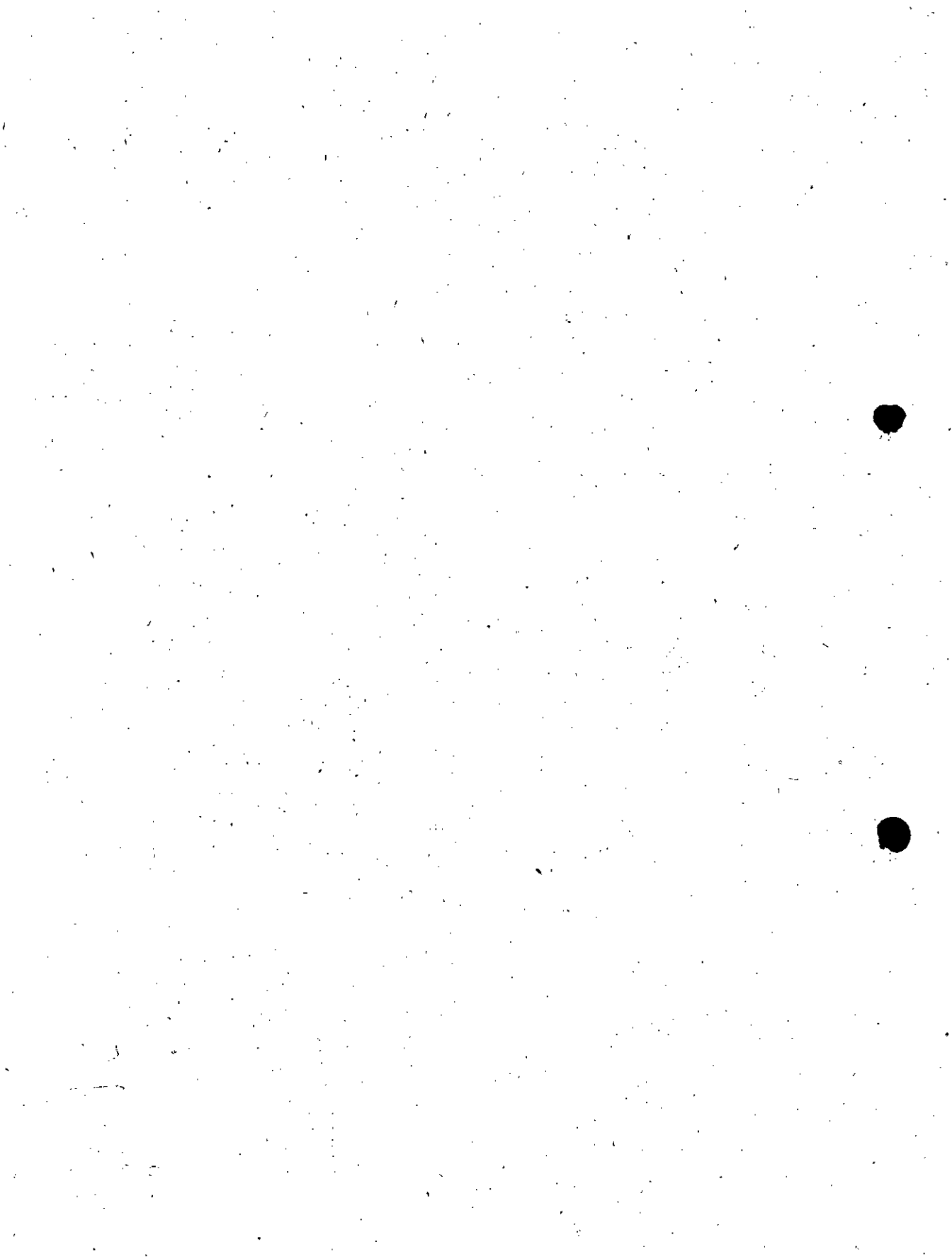
SECTIONS.

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 2002<sup>1</sup>.**

[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.]

<sup>1</sup> 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.”.

Amendment  
of section  
19 of C.P.  
and Berar  
II of 1950.

Mah.  
XXXVII  
of  
1966.

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.

Insertion  
of new  
section 20-  
1F in C.P.  
and Berar  
II of 1950.

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.”.

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 CORPORATIONS, THE CITY OF NAGPUR CORPORATION AND THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS (AMENDMENT) ACT, 2004.

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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 2004<sup>1</sup>.**

[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  
Commence-  
ment.

(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.*].

<sup>1</sup> 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.

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C.P.  
and  
Berar  
II of  
1950.

**THE MAHARASHTRA MUNICIPAL CORPORATIONS  
(AMENDMENT) ACT, 2004**

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**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 2005<sup>1</sup>.**

[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.

<sup>1</sup> 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,

Mah. XXXVII of 1966.

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.”.



# 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.

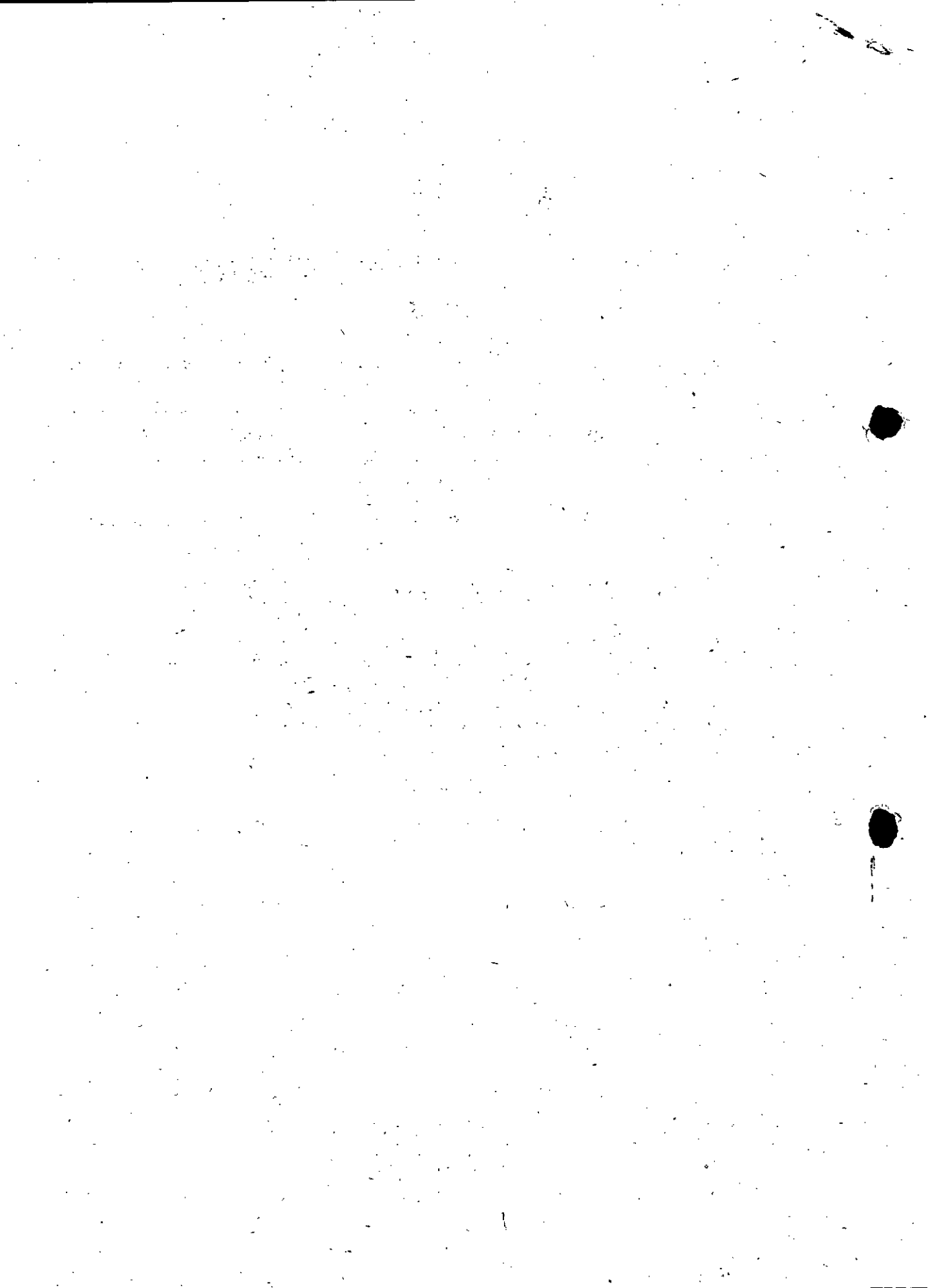
## भाग आठ

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.

Mah.  
XXIII  
of  
2001.

"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."

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

C. P.  
and  
Berar II  
of 1950.

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 :—

Insertion  
of section  
9AA in  
C. P. and  
Berar II of  
1950.

Mah.  
XXIII  
of  
2001.

"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."

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

Mah.  
XL of  
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 :—

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 commencement.

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.

Amendment of section 45 of Bom. III of 1888.

2. In section 45 of the Mumbai Municipal Corporation Act (hereinafter 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.

Amendment 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.

Amendment 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 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 :

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

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 :—

**“ 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.

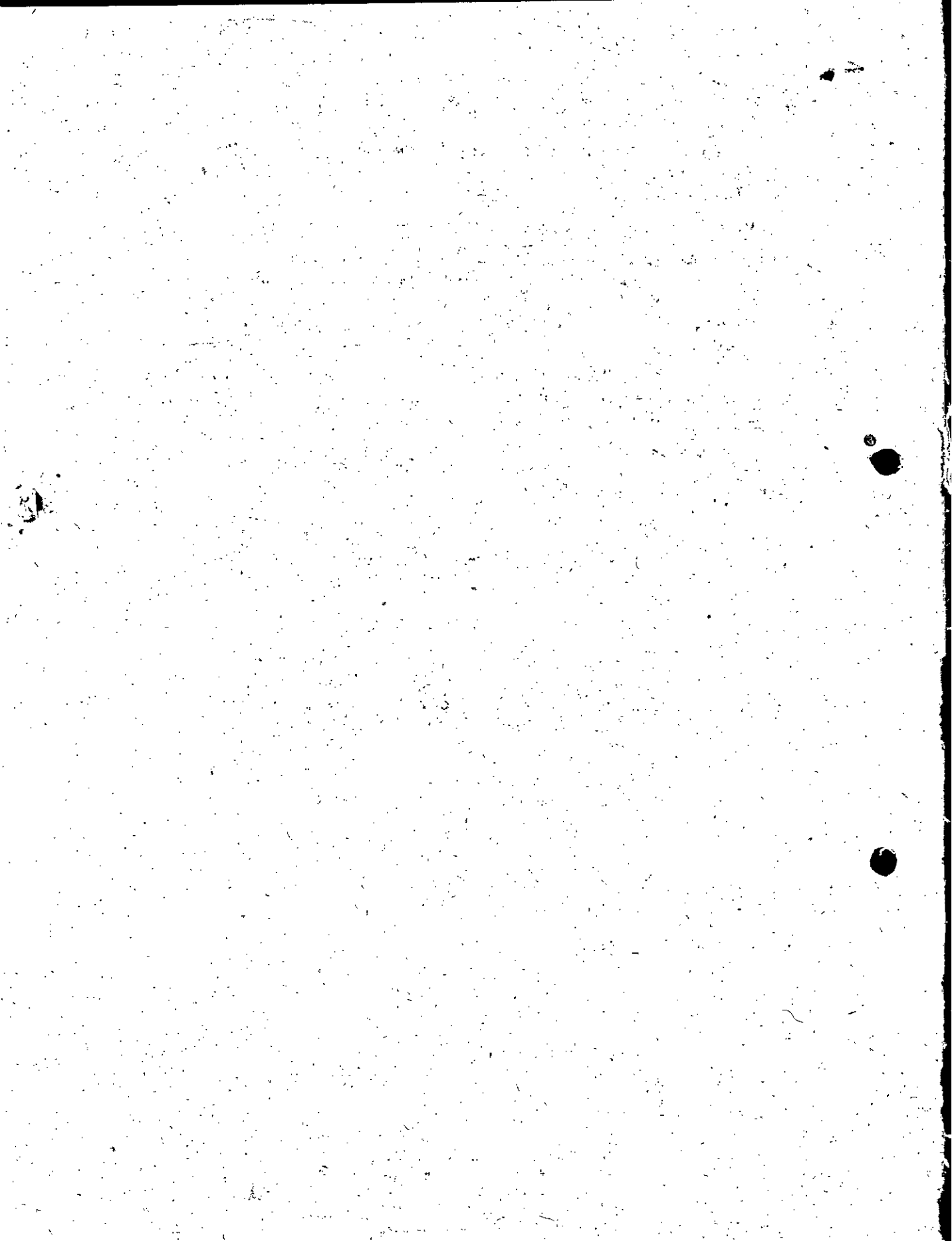
“(1D) If the State Election Commission is satisfied that a person,—

(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)

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

Amendment of section 5B of Bom. III of 1888. 2. In section 5B of the Mumbai Municipal Corporation Act, both the provisos shall be deleted.

Amendment of section 5B of Bom. LIX of 1949. 3. In section 5B of the Bombay Provincial Municipal Corporations Act, 1949, both the provisos shall be deleted.

Amendment of section 9AA of C.P. and Berar-II of 1950. 4. In section 9AA of the the City of Nagpur Corporation Act, 1948, both the provisos shall be deleted.

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, both the provisos shall be deleted.

6. For the removal of doubt, it is hereby declared that, the election to a reserved seat to the Municipal Corporations or Municipal Councils, before the date of coming into force of this Act, shall be regulated by the relevant 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 they existed immediately before such date of commencement.

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.



# 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,

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, be 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.

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 :—

Bom.  
III of  
1888.  
Bom.  
LIX of  
1949.  
C.P.  
and  
Berar  
II of  
1950.  
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, 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 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 :—

Bom.  
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."

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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,—

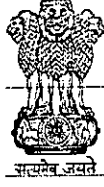
(i) if, situated in area of Brihan Mumbai, the floorage of such premises is more than 125 square metres ;

(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 :—

“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.

Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (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 of this Act and for different areas.

## CHAPTER II

### AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of sections 354AB and 354AC in Bom. III of 1888. 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 :—

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 :—

“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 :

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.”.

Insertion  
of section  
450A in  
Bom. LIX  
of 1949.

Power of  
State  
Government  
to issue  
instructions  
or  
directions.

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 26<sup>th</sup> 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.” .

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.

Mah.  
XXVII  
of  
2010.

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 1<sup>st</sup> 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 :—

Power 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.

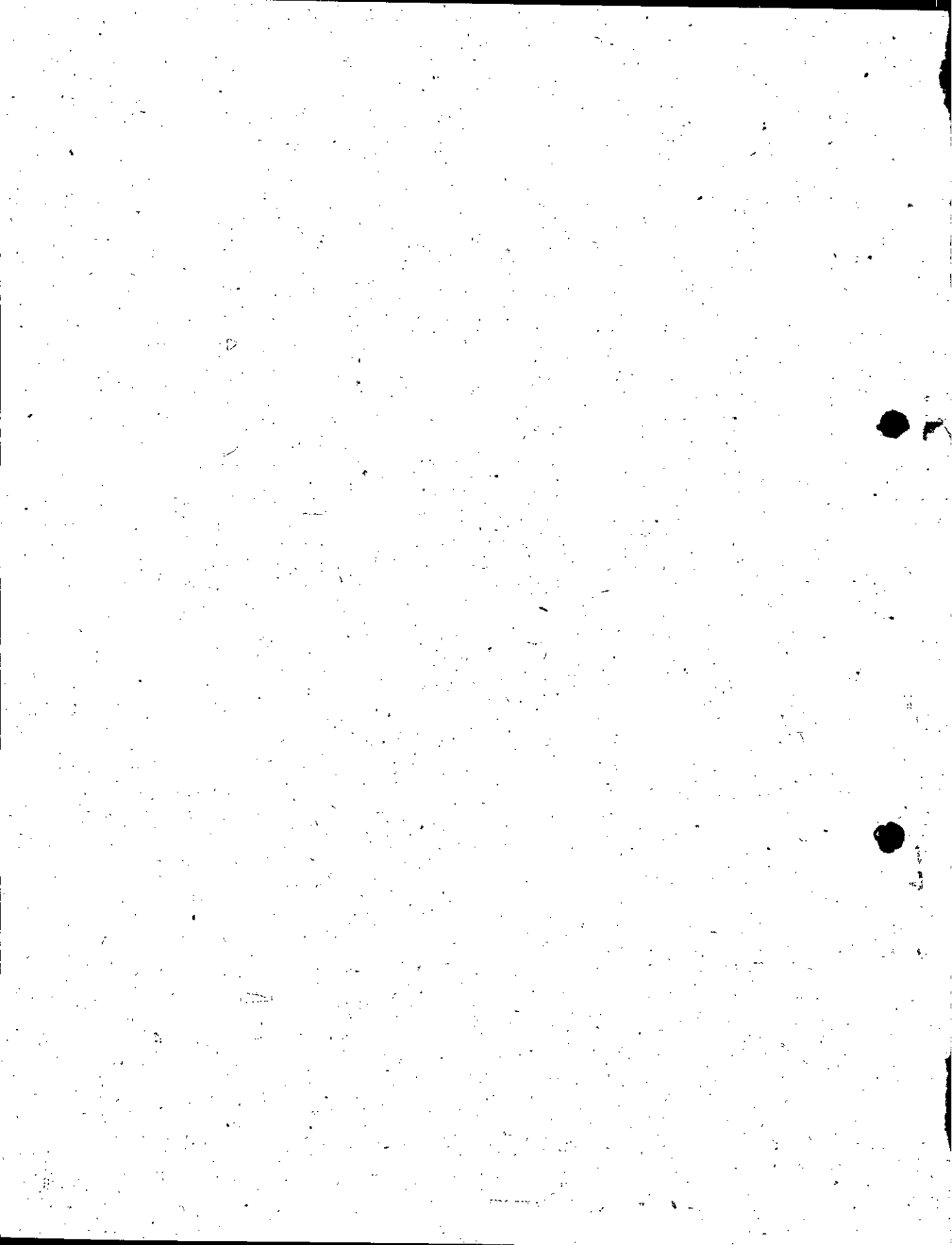
## CHAPTER VI

### 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 [ पृष्ठ 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.



The first part of the document is a list of names and addresses, followed by a section of text that appears to be a letter or a report. The text is very faint and difficult to read, but it seems to contain several paragraphs of information. The names and addresses listed include:

- John Doe, 123 Main St, New York, NY
- Jane Smith, 456 Elm St, New York, NY
- Bob Johnson, 789 Oak St, New York, NY
- Sarah Lee, 101 Pine St, New York, NY
- Michael Brown, 202 Cedar St, New York, NY

The text following these names is mostly illegible, but it appears to be a list of items or a set of instructions. The overall appearance is that of a scanned document with low contrast and significant noise.



# 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 provisions of section 64C in certain circumstances.

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.

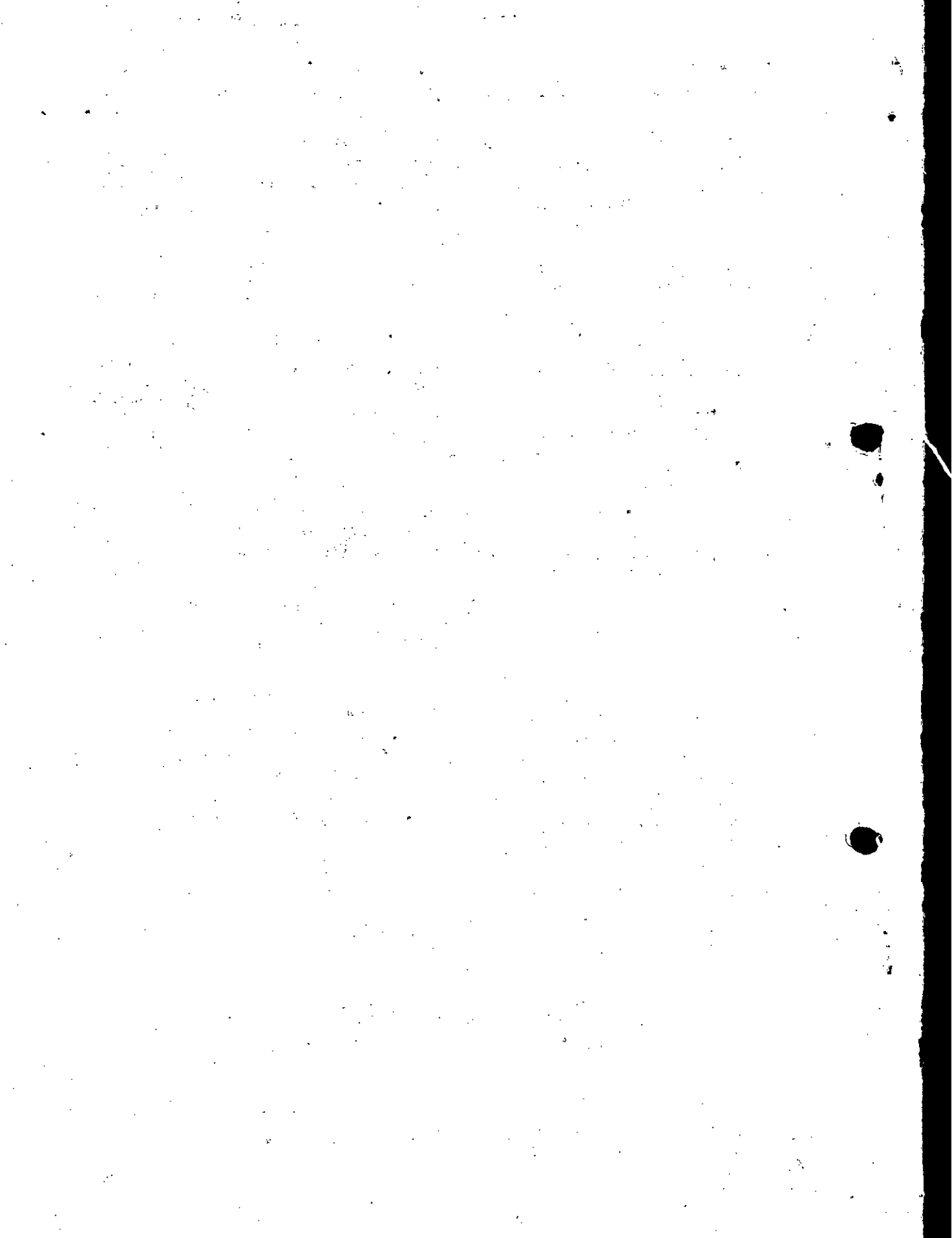
Amendment of section 407 of C.P. and Berar II of 1950.

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

[ पृष्ठ 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 :

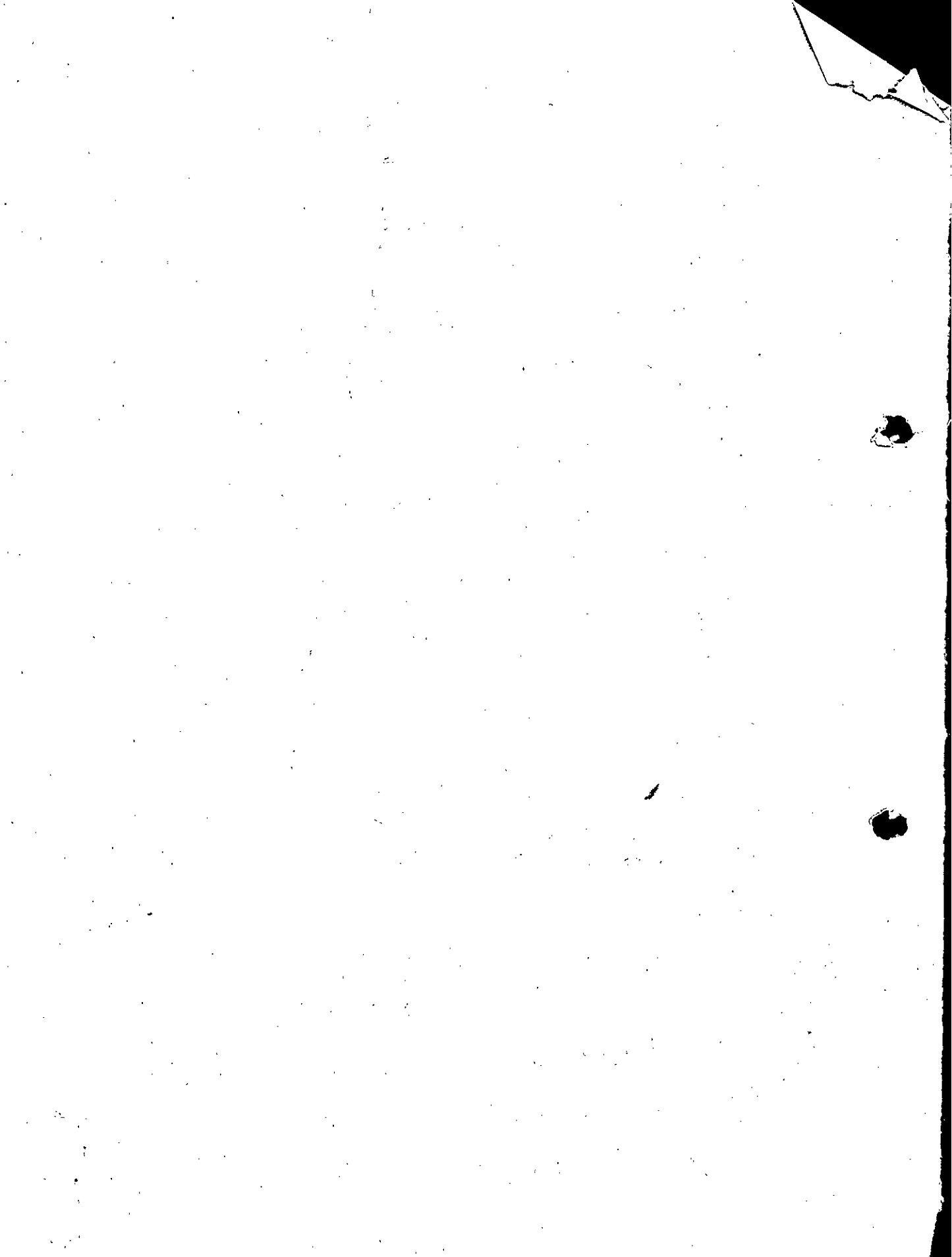
Provided that, every such notification shall be laid before each House of the State Legislature after it is issued.

(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.

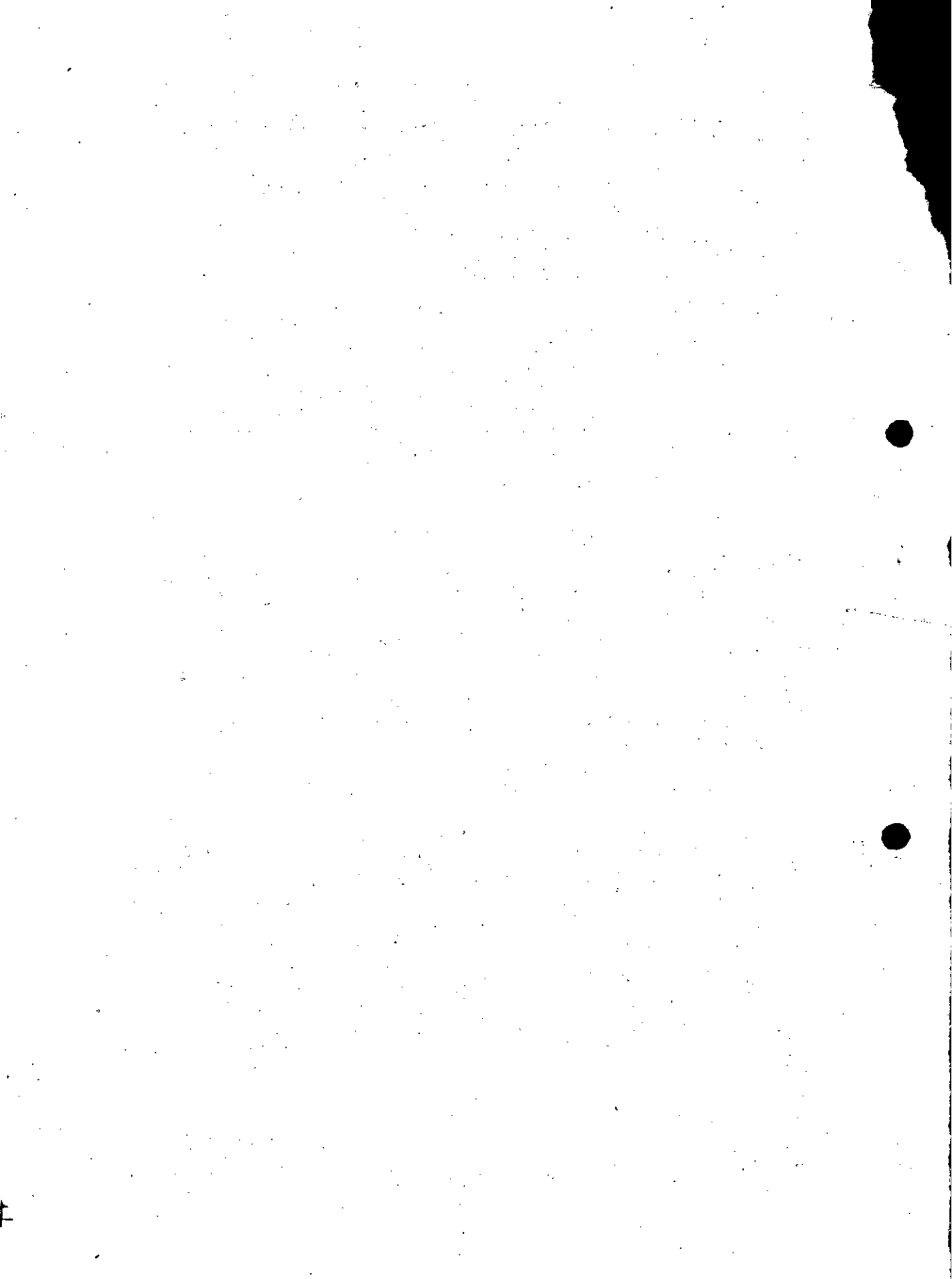
(2) Every order under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.

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.”.



1948

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# 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.  
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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 ;

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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 ;

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(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 ;

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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 ;

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(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.

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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.