



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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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 circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act,

Bom.
III of
1888.

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(१)

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.