

**Bombay Local Fund Audit (Amendment) Act, 2011****8 of 2011****[03 April 2011]**

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**Bombay Local Fund Audit (Amendment) Act, 2011****8 of 2011****[03 April 2011]**

## PREAMBLE

An Act further to amend the Bombay Local Fund Audit Act, 1930.

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 Local Fund Audit Act, 1930 (Bom. XXV of 1930), for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Local Fund Audit (Amendment) Ordinance, 2011 (Mah. Ord. V of 2011), on the 10 March 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:--

**1. Short Title And Commencement :-**

(1) This Act may be called the Bombay Local Fund Audit (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 10th March 2011.

## **2. Amendment Of Long Title Of Bom. Xxv Of 1930 :-**

In the long title of the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930), (hereinafter referred to as "the principal Act"), the words "except Greater Bombay" shall be deleted.

## **3. Amendment Of Preamble Of Bom. Xxv Of 1930 :-**

In the preamble of the principal Act, the words "except Greater Bombay" shall be deleted.

## **4. Amendment Of Section 1 Of Bom. Xxv Of 1930 :-**

In section 1 of the principal Act, the words and figures "Bombay Local Fund Audit Act, 1930" the words "Maharashtra Local Fund Audit Act" shall be substituted.

## **5. Amendment Of Section 2 Of Bom. Xxv Of 1930 :-**

In section 2 of the principal Act, the words "except Greater Bombay" shall be deleted.

## **6. Amendment Of Section 3 Of Bom. Xxv Of 1930 :-**

In section 3 of the principal Act,--

(a) in Sub-section (1),--

(i) in clause (a), for the words "Chief Auditor" the word "Director" shall be substituted;

(ii) in clause (aa), for the words "the Municipal Corporation of the City of Nagpur, the Municipal Commissioner for that City" the following shall be substituted, namely:--

"a Municipal Corporation, the Municipal Commissioner of the concerned Corporation, and in case of the Municipal Councils, Nagar Panchayats and Industrial Townships constituted under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965), the Chief Officer of the respective Municipal Council or Nagar Panchayats, as the case may be, and in respect of the Industrial Townships, the Chief Executive

Officer of the respective Industrial Township;";

(iii) for clause (aaa), the following clause shall be substituted, namely:--

"(aaa) "Director" means the Director, Local Fund Accounts Audit and includes the Joint Director, Local Fund Accounts Audit, the Deputy Director, Local Fund Accounts Audit and the Assistant Director, Local Fund Accounts Audit;";

(b) in sub-section (2), for the words "Chief Auditor, Local Fund Accounts or as the case may be, the Deputy Chief Auditor, Local Fund Accounts", the following words shall be substituted namely:--

"Director, Local Fund Accounts Audit, the Joint Director, Local Fund Accounts Audit or, as the case may be, the Assistant Director, Local Fund Accounts Audit".

## **7. Substitution Of Word "Director" For Words "Chief Auditor" In Bom. Xxv Of 1930 :-**

Throughout the principal Act, including the marginal note, for the words "Chief Auditor" and "Chief Auditors", wherever they occur, the words "Director" and "Directors", respectively, shall be substituted.

## **8. Amendment Of Section 7 Of Bom. Xxv Of 1930 :-**

In section 7 of the principal Act, in sub-section (1), or the words "one hundred rupees" the words "twenty-five thousand rupees" shall be substituted.

## **9. Amendment Of Section 9 Of Bom. Xxv Of 1930 :-**

In section 9 of the principal Act,--

(a) for the words "The Chief Auditor shall include in his report a statement of --", the following shall be substituted, namely:--

"The Director shall include in his report a statement of -- Part I-Serious Irregularities--";

(b) in clause (b), after the words "misconduct of any person" the words ", irregularity in awarding contracts, decisions causing revenue loss and financial losses caused by policy decisions" shall be added;

(c) after clause (c), the following words and letters shall be inserted, namely:-- "Part II-Other Irregularities--".

## **10. Amendment Of Section 10 Of Bom. Xxv Of 1930 :-**

In section 10 of the principal Act, in sub-section (3), in the second proviso, for clauses (i) and (ii), the following clauses shall be substituted, namely:--

"(i) does not exceed five hundred rupees, the Joint Director, Local Fund Accounts Audit or the Assistant Director, Local Fund Accounts Audit;

(ii) does not exceed one thousand rupees, the Director, Local Fund Accounts Audit, may,

if he considers that it ought to be condoned, condone such defect or irregularity. On such condonation, however, the officer concerned shall make a note to that effect in his report."

#### **11. Amendment Of Section 11 Of Bom. Xxv Of 1930 :-**

In section 11 of the principal Act, in sub-section (4), after the words "other officer, as the case may be." the following words shall be added, namely:--

"The Commissioner shall complete the above procedure within six months from the date of receipt of the proposal."

#### **12. Repeal Of Mah. Ord. V Of 2011 And Saving :-**

(1) The Bombay Local Fund Audit (Amendment) Ordinance, 2011 (Mah. Ord. V of 2011), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the principal Act, as amended by this Act.