

**Maharashtra Municipal Corporations (Amendment) Act,
2011**

12 of 2011

[18 April 2011]

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**Maharashtra Municipal Corporations (Amendment) Act,
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PREAMBLE

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), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) and the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950), for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 2011 (Mah. Ord. IX of 2011), on the 10th 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:--

CHAPTER 1 PRELIMINARY

1. Short Title And Commencement :-

(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 2 AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

2. Amendment Of Section 78A Of Bom. Iii Of 1888 :-

In section 78A of the Mumbai Municipal Corporation Act (Bom. III of 1888), (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), in sub-section (1),--

(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 (Mah. XII of 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;

(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. Insertion Of Section 137B In Bom. Iii Of 1888 :-

After section 137A of the Mumbai Corporations Act, the following section shall be inserted, namely:--

"137B. Power of State Government to require audit by Director, Local Fund Accounts Audit :-

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 (Bom. XXV of 1930).".

CHAPTER 3 AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

4. Amendment Of Section 45 Of Bom. Lix Of 1949 :-

In section 45 of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), in sub-section (1), the words ", Municipal Chief Auditor" shall be deleted.

5. Insertion Of Section 45A In Bom. Lix Of 1949 :-

After section 45 of the Provincial Corporations Act, the following section shall be inserted, namely:--

"45A. Appointment of Municipal Chief Auditor :-

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:

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).".

6. Insertion Of Section 107A In Bom. Lix Of 1949 :-

After section 107 of the Provincial Corporations Act, the following section shall be inserted, namely:--

"107A. Power of State Government to require audit by Director, Local Fund Accounts Audit :-

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 4 AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

7. Insertion Of Section 49-1A In C.P. And Berar II Of 1950 :-

After section 49 of the City of Nagpur corporation Act, 1948 (C.P. and Berar II of 1950) the following section shall be inserted, namely:--

"49-1A. Appointment of Municipal Chief Auditor :-

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 5 MISCELLANEOUS

8. Repeal Of Mah. Ord. IX Of 2011 And Saving :-

(1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2011 (Mah. Ord. IX of 2011), is hereby repealed.

(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 (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) and the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950), 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.