

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

40 of 2011

[28 December 2011]

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**Maharashtra Municipal Corporations (Third Amendment)
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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, it is expedient 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; 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 (Third Amendment) Act, 2011.

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

CHAPTER2 AMENDMENT TO THE MUMBAMUNICIPAL CORPORATION ACT

2. Insertion of section 78F in Bom. III of 1888 :-

After section 78E of the Mumbai Municipal Corporation Act (Bom. III of 1888), the following section shall be inserted, namely:-

"78F. Power of State Government to notify posts to be filled in by deputation:-

(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)."

CHAPTER3 AMENDMENT TO THE BOMBAYPROVINCIAL

MUNICIPAL CORPORATION ACT, 1949

3. Insertion of section 45B in Bom. LIX of 1949 :-

After section 45A of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the following section shall be inserted, namely:-

"45B. Power of State Government to notify posts to be filled in by deputation:-

(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 4 AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

4. Insertion of section 51A in C.P. and Berar II of 1950 :-

After section 51 of the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950), the following section shall be inserted,

namely:-

"51A. Power of State Government to notify posts to be filled in by deputation:-

(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).".