

Maharashtra Municipal Corporations And Municipal Councils (Second Amendment) Act, 2010

29 OF 2011

[16 August 2011]

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**Maharashtra Municipal Corporations And Municipal Councils
(Second Amendment) Act, 2010**

29 OF 2011

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PREAMBLE

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-first 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 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 2 AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

2. Insertion of heading and sections 64A to 64D in Bom. III of 1888 :-

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:--

"Prevention of delay in discharge of official duties

64A. Citizens Charter :-

(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.

(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,

64B. Delegation of power :-

(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.

64C. Disciplinary action :-

(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 :

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. Non-application of provisions of section 64C in certain circumstances :-

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."

3. Insertion of section 86A in Bom. III of 1888 :-

After section 86 of the Mumbai Corporation Act, the following section shall be inserted, namely:-

"86A. Sanction for prosecution of officers and servants of Corporation :-

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 3 AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

4. Insertion of section 59A in Bom. LIX of 1949 :-

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:--

"59A. Sanction for prosecution of officers and servants of corporation :-

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."

5. Insertion of heading and sections 72A to 72D in Bom. LIX of 1949 :-

After section 72 of the Provincial Corporations following heading and sections shall be inserted, namely:--

"Prevention of delay in discharge of official duties

72A. Citizens Charter:-

(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.

(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.

72B. Delegation of powers :-

(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.

72C. Disciplinary action :-

(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:

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.

72D. Non-application of provisions of section 72C in certain circumstances :-

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 4 AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

6. Insertion of section 53A in C.P. and Berar II of 1950 :-

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:--
"53A. Sanction for prosecution of officers and servants of Corporation :-

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."

7. Insertion of heading and sections 59-IA, 59-IB, 59-IC and 59-ID in C.P. and Berar II of 1950 :-

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

59-IA. Citizens Charter :-

(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.

(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. Delegation of powers:-

(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.

59-IC, Disciplinary action:-

(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:

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 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.

59-ID. Non-application of provisions of section 59-IC in certain circumstances:-

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 5 AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

8. Insertion of heading and sections 78A to 78D in Mah. XL of 1965 :-

After section 78 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the following heading and sections shall be inserted, namely:--

"Prevention of delay in discharge of official duties 78A. Citizens Charter:-

(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.

(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. 78B.

Delegation of powers :-

(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. 78C. Disciplinary action :-

(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 :

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. Non-application of provisions of section 78C in certain circumstances :-

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."

CHAPTER 6 MISCELLANEOUS

9. Power to remove difficulties :-

(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.