

Maharashtra Municipal Corporations And Municipal Councils (Sixth Amendment) Act, 2008

7 of 2009

[14 January 2009]

CONTENTS

CHAPTER 1 :- Preliminary

1. Short Title And Commencement

CHAPTER 2 :-Amendments to the Mumbai Municipal Corporation Act

2. Amendment Of Section 37 Of Bom. Iii Of 1888
3. Insertion Of Section 200A In Bom. Iii Of 1888
4. Insertion Of Section 216A In Bom. Iii Of 1888

CHAPTER 3 :-Amendments to the Bombay Provincial Municipal Corporations act, 1949

5. Amendment Of Section 4 Of Bom. Lix Of 1949
6. Amendment Of Section 19 Of Bom. Lix Of 1949
7. Insertion Of Sections 140A And 140B In Bom. Lix Of 1949
8. Insertion Of Section 152-1A In Bom. Iii Of 1888

CHAPTER 4 :-Amendments to the City of Nagpur Corporation Act, 1948

9. Amendment Of Section 6 Of C.P. And Berar Ii Of 1950
10. Amendment Of Section 20 Of C.P. And Berar Ii Of 1950
11. Substitution Of Section 118 Of C.P. And Berar Ii Of 1950
12. Insertion Of Section 167A In C.P. And Berar Ii Of 1950

CHAPTER 5 :- Amendments to the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965

13. Amendment Of Section 9 Of Mah. XI Of 1965
14. Insertion Of Section 51-1B In Mah. XI Of 1965
15. Insertion Of Sections 127A And 127B In Mah. XI Of 1965
16. Insertion Of Sections 167A In Mah. XI Of 1965

Maharashtra Municipal Corporations And Municipal Councils (Sixth Amendment) Act, 2008

[14 January 2009]

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 (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950) and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth 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 (Sixth Amendment) Act, 2008.

(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 of this Act.

CHAPTER 2

Amendments to the Mumbai Municipal Corporation Act

2. Amendment Of Section 37 Of Bom. Iii Of 1888 :-

In section 37 of the Mumbai Municipal Corporation Act (Bom. III of 1888.) (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), after sub-section (2), the following sub-section shall be inserted, namely:--

"(2A) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, along with the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes

and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001).".

3. Insertion Of Section 200A In Bom. Iii Of 1888 :-

After section 200 of the Mumbai Corporation Act, the following section shall be inserted, namely:--

"200A. Rebate in respect of advance payment of tax.--

Notwithstanding anything contained in this Act, the Corporation may, by general or special order give such rebate in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.".

4. Insertion Of Section 216A In Bom. Iii Of 1888 :-

After section 216 of the Mumbai Corporation Act, the following section shall be inserted, namely:--

"216A. Power of Corporation to grant rebate for payment of arrears of tax.--

Notwithstanding anything contained in section 216 or any other provisions of this Act, the Corporation may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Corporation.".

CHAPTER 3

Amendments to the Bombay Provincial Municipal Corporations act, 1949

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

In section 4 of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) (hereinafter, in this Chapter, referred to as "the Provincial Municipal Corporations Act"), in sub-section (1), for clause (BA), the following clauses shall be substituted, namely:-

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"(BA) a Wards Committee;

(BB) a Mayor; and "

6. Amendment Of Section 19 Of Bom. Lix Of 1949 :-

In section 19 of the Provincial Municipal Corporations Act, after sub-section (1A), the following sub-section shall be inserted, namely:--

"(1B) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001).".

7. Insertion Of Sections 140A And 140B In Bom. Lix Of 1949 :-

After section 140 of the Provincial Municipal Corporations Act, the following sections shall be inserted, namely:--

"140A. Rebate in property tax for advance payment.--

Notwithstanding anything contained in this Act, the Corporation may, by general or special order give such rebate in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

140B. Rebate or remission in property tax for implementing ecologically beneficial scheme.--

Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme as may be identified for the purposes of this section, by the State Government or the Corporation is being implemented, shall be given at such rate as the Corporation may, by general or special order determine and different rates of rebate or remission may be specified having regard to the nature and extent of the measures adopted for implementation of ecologically beneficial scheme.

Explanation.--For the purposes of this section "ecologically beneficial scheme" includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional

sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction or the like, as the Corporation or the State Government may identify."

8. Insertion Of Section 152-1A In Bom. Iii Of 1888 :-

After section 152 of the Bombay Provincial Municipal Corporations Act, 1949, the following sections shall be inserted, namely:--

"152-1A. Power of Corporation to grant rebate for payment of arrears of tax.--

Notwithstanding anything contained in section 152 or any other provisions of this Act, the Corporation may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Corporation."

CHAPTER 4

Amendments to the City of Nagpur Corporation Act, 1948

9. Amendment Of Section 6 Of C.P. And Berar Ii Of 1950 :-

In section 6 of the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950) (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), after clause (b), the following clause shall be inserted, namely:--

"(b-1) a Wards Committee;"

10. Amendment Of Section 20 Of C.P. And Berar Ii Of 1950 :-

In section 20 of the Nagpur Corporation Act, after sub-section (2), the following sub-section shall be inserted, namely:--

"(2A) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001)."

11. Substitution Of Section 118 Of C.P. And Berar Ii Of 1950

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For section 118 of the Nagpur Corporation Act, the following sections shall be substituted, namely:--

"118. Rebate in property tax for advance payment.--

Notwithstanding anything contained in this Act, the Corporation may, by general or special order, give such rebate, in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

118A. Rebate or remission in property tax for implementing ecologically beneficial scheme.--

Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme, as may be identified for the purposes of this section, by the State Government or the Corporation, is being implemented, shall be given at such rate as the Corporation may, by general order or special order, determine and different rates of rebate or remission may be specified having regard to the nature and extent of the measures adopted for implementation of the ecologically beneficial scheme.

Explanation.--For the purposes of this section, "ecologically beneficial scheme" includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction, or the like, as the Corporation or the State Government may identify."

12. Insertion Of Section 167A In C.P. And Berar Ii Of 1950

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After section 167 of the Nagpur Corporation Act, the following section shall be inserted, namely:--

" 167A. Power of Corporation to grant rebate for payment of arrears of tax--

Notwithstanding anything contained in section 167 or any other provisions of this Act, the Corporation may, grant such rebate, as

may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the Schedule of payment fixed by the Corporation."

CHAPTER 5

Amendments to the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965

13. Amendment Of Section 9 Of Mah. XI Of 1965 :-

In section 9 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XI of 1965) (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"), in sub-section (1), in clause (b), for the word "Council" the word "Collector" shall be substituted.

14. Insertion Of Section 51-1B In Mah. XI Of 1965 :-

After section 51-1A of the Municipal Councils Act, the following section shall be inserted, namely:--

"51-1B. Person contesting election for reserved office of President to submit Caste Certificate and Validity Certificate.--

Every person desirous of contesting election to the office of the President reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001).".

15. Insertion Of Sections 127A And 127B In Mah. XI Of 1965 :-

After section 127 of the Municipal Councils Act, the following sections shall be inserted, namely:--

"127A. Rebate in property tax for advance payment.--

Notwithstanding anything contained in this Act, the Council may, by general or special order, give such rebate, in the payment of property tax, as the Council may from time to time decide, to any person, primarily liable for payment of the property tax, who pays

such tax before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

127B. Rebate or remission in property tax for implementing ecologically beneficial scheme.--

Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme, as may be identified for the purposes of this section, by the State Government or the Council, is being implemented, shall be given at such rate as the Council may, by general or special order, determine and different rates of rebate or remission may be specified having regard to the nature and extent of the measures adopted for implementation of the ecologically beneficial scheme.

Explanation.--For the purposes of this section "ecologically beneficial scheme" includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction, or the like, as the Council or the State Government may identify."

16. Insertion Of Sections 167A In Mah. XI Of 1965 :-

After section 167 of the Municipal Councils Act, the following sections shall be inserted, namely:--

"167A. Power of Council to grant rebate for payment of arrears of tax.--

Notwithstanding anything contained in section 167 or any other provisions of this Act, the Council may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Council."

ERRATA

In the English translation of the Maharashtra Municipal Corporations and Municipal Councils (Sixth Amendment) Act, 2008 (Mah. VII of 2009), published in the Maharashtra Government Gazette, Extraordinary, Part VIII, dated the 14th January 2009, at pages 52-57,--
on page 55,-

- (i) in line 1 and 2, for "Bombay Provincial Municipal Corporations Act, 1949" read "Provincial Municipal Corporations Act";
- (ii) in line 4 and 5, in the margin, for "Bom. III of 1888" read "Bom. LIX of 1949";
- (iii) in line 30, for "be" read "by".