



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Local Fund Audit (Amendment) Ordinance, 2011 (Mah. Ord. V of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Bombay Local Fund Audit (Amendment) Ordinance, 2011 (Mah. Ord. V of 2011), published under the authority of the Governor].

FINANCE DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 10th March 2011.

MAHARASHTRA ORDINANCE No. V OF 2011.

AN ORDINANCE

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

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that
Bom. XXV of 1930. circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Local Fund Audit Act, 1930, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

- Short title, and commencement. 1. (1) This Ordinance may be called the Bombay Local Fund Audit (Amendment) Ordinance, 2011.
(2) It shall come into force at once.
- Amendment of long title of Bom. XXV of 1930. 2. In the long title of the Bombay Local Fund Audit Act, 1930 (hereinafter referred to as "the principal Act"), the words "except Greater Bombay" shall be deleted. Bom. XXV of 1930.
- Amendment of preamble of Bom. XXV of 1930. 3. In the preamble of the principal Act, the words "except Greater Bombay" shall be deleted.
- Amendment of section 1 of Bom. XXV of 1930. 4. In section 1 of the principal Act, for the words and figures "Bombay Local Fund Audit Act, 1930" the words "Maharashtra Local Fund Audit Act" shall be substituted.
- Amendment of section 2 of Bom. XXV of 1930. 5. In section 2 of the principal Act, the words "except Greater Bombay" shall be deleted.
- Amendment of section 3 of Bom. XXV of 1930. 6. 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, 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,"; Mah. XL of 1965.

(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. Throughout the principal Act, including the marginal note, for the words “Chief Auditor” and “Chief Auditor’s”, wherever they occur, the words “Director” and “Director’s”, respectively, shall be substituted.

Substitution of word “Director” for words “Chief Auditor” in Bom. XXV of 1930.

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

Amendment of section 7 of Bom. XXV of 1930.

9. 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—”;

Amendment of section 9 of Bom. XXV of 1930.

(b) in clause (b), after the words “misconduct of any person” the words “irregularity in awarding contracts, decisions causing to 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. 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 :—

Amendment of section 10 of Bom. XXV of 1930.

“(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.”.

Amendment of section 11 of Bom. XXV of 1930. 11. In section 11 of the principal Act; in sub-section (1), 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."

STATEMENT

In the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930), as per the recommendation of the 13th Finance Commission Report the necessary amendments are proposed, as follows—

(a) to change the short title of the Act as “the Maharashtra Local Fund Audit Act”;

(b) to provide that, audit of the account of the Urban Local Bodies shall be made by the Director, Local Fund Accounts Audit;

(c) to change the designation of the “Chief Auditor, Local Fund Accounts”, as the “Director, Local Fund Accounts Audit”;

(d) to increase the amount of penalty under section 7 of the Act from one hundred rupees to twenty-five thousand rupees;

(e) to amend section 9 of the Act, so as to provide that, the Director, shall include in his report, the statement of irregularities.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render 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 aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 9th March 2011.

K. SANKARANARAYANAN,

Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

RAJESH AGGARWAL,

Secretary to Government.