



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १३

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 Maharashtra Municipal Corporations (Amendment) Ordinance, 2011 (Mah. Ord. IX 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 Maharashtra Municipal Corporations (Amendment) Ordinance, 2011 (Mah. Ord. IX of 2011), published under the authority of the Governor].

URBAN DEVELOPMENT DEPARTMENT

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

MAHARASHTRA ORDINANCE No. IX OF 2011.

AN ORDINANCE

further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act and the City of Nagpur Corporation Act.

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate

action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ;

Bom.
III of
1888.
Bom.
LIX
of
1949.
C. P.
and
Berar
II of
1950.

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 :—

CHAPTER I

PRELIMINARY

Short
title and
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations (Amendment) Ordinance, 2011.
- (2) It shall come into force at once.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amend-
ment of
section 78A
of Bom. III
of 1888.

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

Bom.
III of
1888.

(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 date of commencement of section 2 of the Maharashtra Municipal Corporations (Amendment) Ordinance, 2011, the State Government, by deputing a suitable officer, not below the rank of the Joint Director from the Maharashtra Finance and Accounts Service shall appoint to be the Municipal Chief Auditor, on terms and conditions as may be prescribed" shall be substituted ;

Mah.
Ord.
IX of
2011.

(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 date of commencement of section 2 of the Maharashtra Municipal Corporations (Amendment) Ordinance, 2011."

Mah.
Ord.
IX of
2011.

3. After section 137A of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Insertion of section 137B in Bom. III of 1888.

“137B. The State Government shall cause the annual accounts of the Corporation, including the accounts of the Brihan Mumbai Electric Supply Undertaking, to be audited by the Director, Local Fund Accounts Audit. On receipt of the report from Director, Local Fund Accounts Audit of such audit, the State Government shall forward it to the Commissioner. The Commissioner shall cause, 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.”

Power of State Government to require audit by Director, Local Fund Audit.

Bom. XXV of 1930.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATION ACT, 1949

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

Amendment of section 45 of Bom. LIX of 1949.

5. After section 45 of the Provincial Municipal Corporations Act, the following section shall be inserted, namely :—

Insertion of section 45A in Bom. LIX of 1949.

“45A. On and from the date of commencement of section 5 of the Maharashtra Municipal Corporations (Amendment) Ordinance, 2011, the State Government, by deputing a suitable officer, not below the rank of the Deputy Director from the Maharashtra Finance and Accounts Service shall appoint, on such terms and conditions as may be prescribed, a fit person to be the Municipal Chief Auditor:

Appointment of Municipal Chief Auditor.

Mah. Ord. IX of 2011.

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 date of commencement of section 5 of the Maharashtra Municipal Corporations (Amendment) Ordinance, 2011.”

Mah. Ord. IX of 2011.

6. After section 107 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Insertion of section 107A in Bom. LIX of 1949.

Power of
State
Government
to require
audit by
Director,
Local Fund
Audit.

"107A. 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 Director, Local Fund Accounts Audit of such audit, the State Government shall forward it to the Commissioner. The Commissioner shall cause, report be laid before the General Body of the Corporation within three months from 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 IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Insertion of
section
49-1A in C.
P. and
Berar II of
1950.

7. After section 49 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

C.P.
and
Berar
II of
1950.

Appoint-
ment of
Municipal
Chief
Auditor.

"49-1A. The State Government, by deputing an officer not below the rank of the Deputy Director from the Maharashtra Finance and Accounts Service shall appoint a suitable person to be Municipal Chief Auditor on terms and conditions as may be prescribed."

STATEMENT

The 13th Central Finance Commission has recommended that, only after compliance with the reforms stipulated by the 13th Finance Commission, which *inter alia* consist of provision regarding audit of accounts of the Urban Local Bodies, through the Director, Local Fund Accounts Audit, the State Government will be eligible to get its share of the performance grant.

2. With a view to complying with the said recommendation, the Government of Maharashtra considers it expedient to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948 by providing for audit of accounts of the Municipal Corporations by the Director, Local Fund Accounts Audit; and appointment of Municipal Chief Auditor by deputation of a suitable officer from the Maharashtra Finance and Accounts Service. A provision regarding laying of the report of such audit done by the Director Local Fund Chief Accounts Audit, before the General Body of the Corporation is also found to be necessary in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.

3. 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 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 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,

MANU KUMAR SHRIVASTAV,
Principal Secretary to Government.