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शुक्रवार, जुलै २०, २०१२/आषाढ २९, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on the 19th July, 2012 is published under rule 113 of the Maharashtra Legislative Council Rules :—

L. C. BILL No. XI OF 2012.

A BILL

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.

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

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार
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for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 50S of Bom. III of 1888. 2. In section 50S of the Mumbai Municipal Corporation Act (hereinafter in this Chapter referred to as “the Mumbai Corporation Act”), in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

Bom. III of 1888.

“Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the relative strength starting from the highest fraction number in the respective relative strength, till all the seats are allotted:”.

Amendment of section 129A of Bom. III of 1888. 3. In section 129A of the Mumbai Corporation Act, after the words and figures “under section 125” the words, figures and letter “and estimates prepared by the General Manager under section 126A” shall be inserted.

Amendment of section 460A of Bom. III of 1888. 4. In section 460A of the Mumbai Corporation Act, after sub-section (2), the following sub-section shall be added, namely:—

“(3) Where, any proposal of the General Manager requires the sanction or approval of the Brihan Mumbai Electric Supply and Transport Committee or the corporation, the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, shall consider and dispose of any such proposal within forty-five days in case of the said Committee and ninety days in case of the corporation, reckoned from the date of the meeting of the Brihan Mumbai Electric Supply and Transport Committee

or, as the case may be, the corporation, held immediately after the proposal is received by the Secretary of the said Committee or as the case may be, the Municipal Secretary, whether the item pertaining to such proposal is taken on agenda of such meeting or not, failing which, sanction or approval to such proposal shall be deemed to have been given by the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, and a report to that effect shall be made by the General Manager to the Government and it shall be lawful for the General Manager to take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force."

5. In section 460K of the Mumbai Corporation Act,—

(1) in clause (c), for the words "ten lakhs rupees" the words "fifty lakhs rupees" shall be substituted;

(2) in clause (d), for the words "one lakh rupees" the words "five lakhs rupees" shall be substituted.

Amendment
of section
460K of
Bom. III of
1888.

6. In section 460L of the Mumbai Corporation Act, in the proviso, after the words "Transport Committee" the words "or by two officers of the Brihan Mumbai Electric Supply and Transport Undertaking to whom the powers have been delegated by the General Manager" shall be added.

Amendment
of section
460L of
Bom. III of
1888.

7. In section 460M of the Mumbai Corporation Act, in sub-section (1),—

(1) for the words "fifty thousand rupees" the words "three lakhs rupees" shall be substituted;

(2) the following proviso shall be added, namely:—

"Provided that, the notice of any tender for contract not exceeding three lakhs rupees shall be uploaded on the official website of the Brihan Mumbai Electric Supply and Transport Undertaking."

Amendment
of section
460M of
Bom. III of
1888.

8. In section 460Q of the Mumbai Corporation Act,—

(1) in clause (a), for the words "two thousand rupees" the words "ten thousand rupees" shall be substituted;

(2) in clause (b), in the proviso, for the words "fifteen thousand rupees" the words "seventy-five thousand rupees" shall be substituted;

(3) in clause (c),—

(i) for the words "one lakh rupees" at the both places where they occur, the words "five lakhs rupees" shall be substituted;

(ii) for the words "for any period" the words "for any continuous period" shall be substituted;

(iii) for the words "ten thousand rupees" the words "fifty thousand rupees" shall be substituted.

Amendment
of section
460Q of
Bom. III of
1888.

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- Amendment of section 460R of Bom. III of 1888. **9.** In section 460R of the Mumbai Corporation Act, in sub-section (2), in the proviso, for the words “four hundred rupees” the words “ten thousand rupees” shall be substituted.
- Amendment of section 460T of Bom. III of 1888. **10.** In section 460T of the Mumbai Corporation Act,—
(1) in sub-section (1), for the words “four hundred rupees” the words “ten thousand rupees” shall be substituted;
(2) in sub-section (2), for the words “four hundred rupees” the words “ten thousand rupees” shall be substituted.

CHAPTER III

AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

- Amendment of section 31A of Bom. LIX of 1949. **11.** In section 31A of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

Bom. LIX of 1949.

“Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted:”.

CHAPTER IV

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

- Amendment of section 40A of C.P. and Berar II of 1950. **12.** In section 40A of the City of Nagpur Corporation Act, 1948, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

C.P. and Berar II of 1950.

“Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures

so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted.”.

CHAPTER V

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR* *PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah.
XL of
1965.

13. In section 63 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (2B), for the first proviso, the following proviso shall be substituted, namely:-

Amendment
of section
63 of Mah.
XL of 1965.

“Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted.”.

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STATEMENT OF OBJECTS AND REASONS

Section 50S of the Mumbai Municipal Corporation Act (Bom. III of 1888), section 31A of the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), section 40A of the City of Nagpur Corporation Act, 1948, (C.P. and Berar II of 1950) and section 63 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), provide for procedure to be followed in nominating the Councillors on various Committees of the bodies established under those Acts, on the basis of the relative strength of the recognized parties or registered parties or groups or *aghadis* or fronts in the Corporation or the Council, as the case may be. It has been observed that, there is no clear provision in the said Municipal laws regarding dealing with fractions while allotting the seats. With a view to bring more clarity while allotting the seats, the Government considers it expedient to suitably amend the said provisions in the said Municipal laws.

2. In order to bring in greater efficiency, transparency and accountability in the functioning of the *Brihan Mumbai* Electric Supply and Transport Undertaking, the Government also considers it expedient to amend the provisions relating to the Undertaking and the Committee obtaining in the Mumbai Municipal Corporation Act,—

(i) to prevent inordinate delay in decision making, to prescribe time limits for the Brihan Mumbai Electric Supply and Transport Committee, or the Corporation in respect of decision on any proposal made by the General Manager;

(ii) to provide for adoption of estimates prepared by the General Manager under section 126A to be the budget estimates for the official year, if for any reason the corporation is not in a position to adopt the budget estimates before the commencement of the official year, till the budget estimates are duly adopted by the corporation;

(iii) to enhance the financial powers of the General Manager;

(iv) to simplify the provisions regarding signing and countersigning the contracts on behalf of the corporation for the purposes of the Undertaking for execution of any work or supply of any materials or goods;

(v) to enhance the power of the General Manager and the Brihan Mumbai Electric Supply and Transport Committee for creation of temporary posts on the establishment of the Brihan Mumbai Electric Supply and Transport Undertaking.

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 17th July, 2012.

PRITHVIRAJ CHAVAN
Chief Minister.

ViHBh :
Mumbai,
Dated the 19th July 2012

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Council.