



RNI.No. MAHBIL/2012/46123

## महाराष्ट्र शासन राजपत्र भाग पाच-अ

वर्ष २, अंक ५] गुरुवार ते बुधवार, मार्च २७-एप्रिल २, २०१४/चैत्र ६-१२, शके १९३६ [पृष्ठे ३७, किंमत : रुपये ५.००

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

पुढील विधेयके, दुरुस्त्या इत्यादी असाधारण राजपत्र म्हणून त्यांच्यासमोर दर्शविलेल्या दिनांकांना प्रसिद्ध झालेली आहेत :—

२९

मंगळवार, डिसेंबर ११, २०१२/अग्रहायण २०, शके १९३४

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on 11th December 2012 is published under Rule 113 of the Maharashtra Legislative Council Rules :—

#### L. C. BILL No. XIV OF 2012.

##### A BILL

*further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*

III of 1888. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the LIX of 1949. Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Mah. Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby XL of 1965. enacted in the Sixty-third Year of the Republic of India as follows :—

#### CHAPTER I

##### PRELIMINARY.

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

## CHAPTER II

### AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of section 252A in III of 1888. **2.** After section 252 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as “ the Mumbai Corporation Act ”), the following section shall be inserted, namely :—

Obligation of corporation to partake common facility.

“ **252A.** If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the corporation to make within fifteen days a representation, if any, in this regard. If the corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same. ”

Insertion of section 478-1AA in III of 1888.

**3.** After section 478-1A of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Compounding of offence of evasion of octroi.

“ **478-1AA.** (1) The Commissioner or an officer not below the rank of Assistant Commissioner authorised in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 478-1A, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged. ”

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

LIX of 1949. 4. After section 194 of the Maharashtra Municipal Corporations Act (hereinafter in this Chapter, referred to as “ the Maharashtra Corporations Act”), the following section shall be inserted, namely :—

Insertion of section 194A in LIX of 1949.

“ 194A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Obligation of Corporation to partake common facility.

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Corporation to make within fifteen days a representation, if any, in this regard. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same. ”.

5. In section 398 of the Maharashtra Corporations Act, the words “ or to two hundred and fifty rupees, whichever may be greater ” shall be deleted.

Amendment of section 398 of LIX of 1949.

6. After section 398 of the Maharashtra Corporations Act, the following section shall be inserted, namely :—

Insertion of section 398-1A in LIX of 1949.

“ 398-1A. (1) The Commissioner or an officer not below the rank of Assistant Commissioner authorized in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 398, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

Compounding of offence of evasion of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged. ”.

महाराष्ट्र शासन राजपत्र, भाग पाच-अ,  
गुरुवार-बुधवार, मार्च २७-एप्रिल २, २०१४/चैत्र ६-१२, शके १९३६

CHAPTER IV

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

Insertion of  
section  
219A in  
Mah. XL of  
1965.

7. After section 219 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following section shall be inserted, namely :—

Mah.  
XL of  
1965.

Obligation  
of Council  
to partake  
common  
facility.

“ **219A.** If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Council, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Council to make within fifteen days a representation, if any, in this regard. If the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same. ”.

## STATEMENT OF OBJECTS AND REASONS

Creating and operationalizing efficient facilities for processing and disposal of Municipal solid waste, treatment and recycling sewage and waste water and bulk supply or treatment of water for drinking purposes is the basic responsibility of the urban local bodies. However, often owing to the paucity of funds or lack of expertise or non-availability of suitable land, it is not possible for some urban local bodies to provide these services to the citizens. In such circumstances, it becomes desirable to explore the feasibility of setting up of common facilities for providing the aforesaid services, which can only be done by the Government or any agency specified by the Government.

2. To enable the State Government to undertake such responsibility, the Government considers it expedient to amend the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) suitably, so as to provide that when a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purposes, it shall be mandatory for the concerned Corporation or Council, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government by order in the *Official Gazette*. It is also proposed to give the concerned Corporation or Council, an opportunity to make a representation, before issue of any such direction.

3. Section 478-1A of the Mumbai Municipal Corporation Act (III of 1888) provides for imposing penalty for evasion of payment of octroi which shall not be less than five times but which may extend to ten times the amount of the tax payable. Such penalty can be imposed only on conviction of the person concerned. However, considering the nature of the offence and time period in deciding such cases in the Court, the Government of Maharashtra considers it expedient to provide for compounding of offence of evasion of octroi, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi, by inserting suitable provisions in the said Act.

Similar provision is also proposed to be made in the Maharashtra Municipal Corporations Act (LIX of 1949).

4. The Bill seeks to achieve the above objectives.

Mumbai,  
Dated the 5<sup>th</sup> December, 2012.

VIDHAN BHAVAN,  
Nagpur.  
Dated the 11<sup>th</sup> December, 2012.

PRITHVIRAJ CHAVAN,  
Chief Minister.

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