



GOVERNMENT OF MAHARASHTRA  
**LAW AND JUDICIARY DEPARTMENT**

## **ACT No. LIX OF 1949**

### **The Maharashtra Municipal Corporations Act**

*(As modified upto the 9th June 2014)*



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**The Maharashtra Municipal  
Corporations Act**

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320. Places for disposal of the dead to be registered.
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323. State Government may direct closing of any place for disposal of dead.
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## FORMS

**ACT No. LIX OF 1949<sup>1</sup>**

[THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.]

The Act received the assent of the Governor General on the 21st December 1949; assent first published in the *Bombay Government Gazette*, Part IV on the 29th December 1949].

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 42 of 1950.

"	"	9 of 1951.
"	"	28 of 1951.
"	"	39 of 1951.
"	"	10 of 1953.*
"	"	18 of 1953.
"	"	57 of 1953.
"	"	8 of 1954.
"	"	19 of 1954.
"	"	45 of 1954.
"	"	58 of 1954.
"	"	34 of 1955.
"	"	19 of 1956.
"	"	22 of 1956.
"	"	24 of 1956.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 5 of 1958.

"	"	65 of 1958.
"	"	80 of 1958.
"	"	53 of 1959.
"	"	56 of 1959.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 31 of 1960.

"	"	48 of 1961.
"	"	39 of 1963.
"	"	34 of 1965.
"	"	53 of 1965.
"	"	7 of 1966.
"	"	28 of 1966.†
"	"	26 of 1967‡
"	"	35 of 1967.
"	"	32 of 1968.§
"	"	3 of 1969.
"	"	33 of 1969.¶

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1949, Part V, page 597.

\* This Act shall be deemed to have come into force on the 20th day of November 1951 [*vide* s. 1(2) of Bom. 10 of 1953].

† This Act shall be deemed to have come into force on the 1st day of April 1962 [*vide* s. 1(2) of Mah. 28 of 1966].

‡ Mah. Ordinance No. VIII of 1967 was repealed by Mah. 26 of 1967, s. 6.

§ Mah. Ordinance No. III of 1968 was repealed by Mah. 32 of 1968, s. 3.

¶ Mah. Ordinance No. VII of 1969 was repealed by Mah. 33 of 1969, s. 3.

Amended by Mah. 8 of 1970.

”	”	13 of 1971.
”	”	53 of 1973 (27-12-1973).*
”	”	37 of 1974££(20-5-1974).*
”	”	16 of 1975 (1-4-1975).*
”	”	27 of 1975 (27-8-1975).*
”	•	63 of 1975† (22-9-1975).*
”	”	68 of 1975 (24-12-1975).*
”	”	42 of 1976 (1-10-1976).*
”	”	42 of 1977 (11-8-1977).*
”	”	21 of 1979†† (21-4-1979).*
”	”	24 of 1979\$ (15-6-1979).*
”	”	6 of 1980 (13-2-1980).*
”	”	20 of 1980¶ (16-10-1980).*
”	”	12 of 1981@ (4-2-1981).*
”	”	68 of 1981 (28-12-1981).*
”	”	69 of 1981(28-12-1981).*
”	”	29 of 1982††\$ (4-8-1982).*
”	”	27 of 1983‡‡(20-5-1983).*
”	”	7 of 1984 (30-3-1984).*
”	”	32 of 1984£@@ (5-9-1984).*
”	”	3 of 1985@@ (11-2-1985).*
”	”	7 of 1986@@@ (20-12-1985).*

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\*This indicates the date of commencement of Act.

££Mah. Ordinance No. VII of 1974 was repealed by Mah. 37 of 1974, s. 3.

†Mah. Ordinance No. XI of 1975 was repealed by Mah. 63 of 1975, s. 11.

††Mah. Ordinance No. III of 1979 was repealed by Mah. 21 of 1979, s. 6.

\$Mah. Ordinance No. V of 1979 was repealed by Mah. 24 of 1979, s. 3.

¶Mah. Ordinance No. XII of 1980 was repealed by Mah. 20 of 1980, s. 23.

@Mah. Ordinance No. 1 of 1981 was repealed by Mah. 12 of 1981, s. 7.

††\$Mah. Ordinance No. IX of 1982 was repealed by Mah. 29 of 1982, s. 9.

Section 2 of the Mah. 29 of 1982 provides, as follows :—

Extention of Bom. LIX of 1949 to rest of State.

“2. The Bombay Provincial Municipal Corporations Act, 1949, as in force immediately before the commencement of this Act in the Bombay area of the State of Maharashtra, is hereby extended to the rest of the State of Maharashtra.”.

‡‡Mah. Ordinance No. XI of 1983 was repealed by Mah. 27 of 1983, s. 5.

£@@ Maharashtra Ordinance No. VI of 1984 was repealed by Mah. 32 of 1984, s. 3(I).

@@ Maharashtra Ordinance No. 1 of 1985 was repealed by Mah. 3 of 1985, s. 10.

@@@ Maharashtra Ordinance No. XIII of 1985 was repealed by Mah. 7 of 1986, s. 7.

Amended by Mah. 44 of 1986£ (19-12-1986).\*

”	”	20 of 1987 (1-11-1987).*
”	”	38 of 1987 (4-12-1987).*
”	”	18 of 1988££ (11-7-1988).*
”	”	6 of 1989.
”	”	19 of 1989 <sup>t</sup>
”	”	28 of 1989£££ (12-6-1989).*

£ Section 3 of Mah. 44 of 1986, reads as under :—

“3. Notwithstanding anything contained in the principal Act, all acts and things done during the period commencing from the date on which the aggregate period of three years referred to in clause (ab) of paragraph 22 of Appendix IV to the principal Act has expired and ending on the date of commencement of the Bombay Provincial Municipal Corporations (Amendment and Validation) Act, 1986 (hereinafter referred to as “the said period”), by the Administrator appointed under the said clause (ab) shall be valid and shall be deemed always to have been valid; and no suit or other proceeding shall be instituted, maintained or continued against any such Administrator or the Corporation on the ground that the elections of Councillors were not held within the aggregate period of three years from the date on which such Administrator had assumed office and that he had no authority to do such acts or things during the said period.”.

Mah.  
XLIV  
of  
1986.

Validation of  
acts and  
things done  
by  
administrators.

\* This indicates the date of commencement of Act.

££ Section 3 of Mah. 18 of 1988 reads as under :—

“3. Notwithstanding anything contained in the principal Act, all acts and things done during the period commencing from the date on which the aggregate period of five years referred to in clause (ab) of paragraph 22 of Appendix IV to the principal Act has expired and ending on the date of commencement of the Bombay Provincial Municipal Corporations (Amendment and Validation) Act, 1988 (hereinafter referred to as “the said period”), by the Administrator appointed under the said clause (ab), shall be valid and shall be deemed always to have been valid; and no suit or other proceeding shall be instituted, maintained or continued against any such Administrator or the Corporation on the ground that the elections of Councillors were not held within the aggregate period of five years from the date on which such Administrator had assumed office and that he had no authority to do such acts or things during the said period.”.

Mah.  
XVIII  
of  
1988.

Validation of  
acts and  
things done  
by  
administrators.

<sup>t</sup> Section 3 of Mah. 19 of 1989 reads as under :—

“3. Notwithstanding anything contained in the principal Act, all acts and things done during the period commencing from the date on which the aggregate period of six years referred to in clause (ab) of paragraph 22 of Appendix IV to the principal Act has expired and ending on the date of commencement of the Bombay Provincial Municipal Corporations (Amendment and Validation) Act, 1989 (hereinafter referred to as “the said period”), by the Administrator appointed under the said clause (ab), shall be valid and shall be deemed always to have been valid; and no suit or other proceeding shall be instituted, maintained or continued against any such Administrator or the Corporation on the ground that the elections of Councillors were not held within the aggregate period of six years from the date on which such Administrator had assumed office and that he had no authority to do such acts or things during the said period.”.

Mah.  
XIX  
of  
1989.

Validation of  
acts and  
things done  
by  
administrators.

£££ Maharashtra Ordinance No. IV of 1989 was repealed by Mah. 28 of 1989, s. 8.

Amended by Mah.11 of 1990 £££ (16-3-1990).\*

”	”	12 of 1990 f(12-2-1990)*
”	”	13 of 1990
”	”	28 of 1990
”	”	36 of 1990 \$\$ (14-11-1990)*
”	”	15 of 1991 ©(16-2-1991).*
”	”	26 of 1991 @* (29-10-1991).*
”	”	13 of 1992 (1-1-1993).*
”	”	21 of 1992 *@f#(10-8-1992)*
”	”	12 of 1993 (4-1-1993).*
”	”	15 of 1994
”	”	41 of 1994*f(31-5-1994).*

£££ Maharashtra Ordinance No. 5 of 1990 was repealed by Mah. 11 of 1990, s.11.

\*This indicates the date of commencement of the Act.

f Mah. Ord. 3 of 1990 was repealed by Mah. 12 of 1990, s.14.

Section 13 of Mah. 12 of 1990 reads as under :—

Sitting  
councillors to  
continue to  
hold office.

“13. For the removal of doubt, it is hereby declared that every person, elected as a councillor of the Municipal Corporation of Greater Bombay or any of the Municipal Corporations constituted under the provisions of the Bombay Provincial Municipal Corporations Act, 1949 or of the Corporation of the City of Nagpur or of any of the Municipal Councils established under the Maharashtra Municipalities Act, 1965 and holding office as such councillor and has not attained the age of twenty one years on or before the date of commencement of the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1990 shall, unless, he resigns or is disqualified to hold, such office of councillor before the expiry of his term, continue to be such councillor till the expiry of his term, as if the amendments made to the relevant municipal law by the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1990 had never been made.”.

\$\$Maharashtra Ordinance No. 13 of 1990 was repealed by Mah. 36 of 1990, s. 10.

Section 9 of Mah. 36 of 1990 reads as under :—

Validation of  
acts and things  
done by  
administrators.

“9. Notwithstanding anything contained in the Provincial Municipal Corporations Act, all acts and things done during the period commencing from the date on which the aggregate period of eight years referred to in clause (ab) of paragraph 22 in Part IV of Appendix IV to the Provincial Municipal Corporations Act has expired and ending on the date of commencement of this Act (hereinafter referred to as “the said period”) by the Administrator appointed under the said clause (ab), shall be valid and shall be deemed always to have been valid; and no suit or other proceeding shall be instituted, maintained or continued against any such Administrator or the Corporation on the ground that the elections of councillors were not held within the aggregate period of eight years, from the date on which such Administrator had assumed office and that he had no authority to do such acts or things during the said period.

©Maharashtra Ordinance No. 3 of 1991 was repealed by Mah. 15 of 1991, s. 11.

@\*Mah. Ord. 11 of 1991 was repealed by Mah. 26 of 1991.

\*@f# Mah. Ord. 9 of 1992 was repealed by Mah. 21 of 1992.

\*f Mah. Ord. 10 of 1994 was repealed by Mah. 41 of 1994 s. 163.

Amended by Mah. 44 of 1994 (11-11-1994)\*\*\*†‡

” ” 4 of 1995 (31-5-1994)\*\*\*\*†  
 ” ” 5 of 1995 (31-5-1994)\*‡‡  
 ” ” 20 of 1995 (31-8-1994)†  
 ” ” 3 of 1996 (31-8-1995)\*‡‡‡†  
 ” ” 11 of 1996 (21-1-1996)†  
 ” ” 25 of 2000 (4-3-2000)Δ†  
 ” ” 43 of 2000 (13-9-2000)†  
 ” ” 1 of 2001 (9-11-2000)ΔΔ†  
 ” ” 2 of 2001 (16-9-2000)ΔΔΔ†  
 ” ” 8 of 2002 (9-11-2001)ΔΔΔΔ†  
 (7-11-2001).  
 ” ” 11 of 2002 (14-2-2002)ΔΔΔΔΔ†  
 ” ” 16 of 2004 (1-1-2005)ΔΔΔΔΔΔ†  
 ” ” 5 of 2005 (4-1-2005)†

\*\*\*†‡ Maharashtra Ordinance No. XVIII of 1994 was repealed by Mah. 44 of 1994, s. 11.

\*\*\*\*† Maharashtra Ordinance No. 19 of 1994 was repealed by Mah. 4 of 1995, s.6.

Sections 4 and 5 of Mah. 4 of 1995 read as under :—

“ 4. Notwithstanding the deletion of Part IV of Appendix IV to the principal Act, the municipal officers and servants appointed, if any, under that part before the date of commencement of the Bombay Provincial Municipal Corporations (Amendment and Validation) Act, 1995, shall be deemed to have been appointed under the corresponding provisions obtaining in Chapter IV of the principal Act and shall continue to be the employees of the Corporation unless their appointments are duly terminated under the said corresponding provisions. Continuan-  
 Mah. of commencement of the Bombay Provincial Municipal Corporations (Amendment and Validation) Act, 1995, shall be deemed to have been appointed under the corresponding provisions obtaining in Chapter IV of the principal Act and shall continue to be the employees of the Corporation unless their appointments are duly terminated under the said corresponding provisions. of certain  
 1995. corresponding provisions obtaining in Chapter IV of the principal Act and shall continue to be the employees of the Corporation unless their appointments are duly terminated under the said corresponding provisions. appointments.

5. Notwithstanding anything contained in the principal Act, all acts or things done, by the administrator of the Municipal Corporation of the City of Kalyan appointed under clause (ab) of paragraph 22 of Part IV of Appendix IV to the principal Act, during the period commencing on the date on which the aggregate period of ten years referred to in the said clause (ab) expired and ending on the date of commencement of the Bombay Provincial Municipal Corporations (Amendment and Validation) Act, 1995 (hereinafter referred to as “the said period”), shall be valid and shall be deemed always to have been valid; and no suit or other proceeding shall be instituted, maintained or continued against the said Administrator or the said Municipal Corporation on the ground that the elections to the said Municipal Corporation for election of the Councillors were not held within the aggregate period of ten years from the date on which the Administrator had assumed office and that he had no authority to do such acts or things during the said period.” Validation of  
 Mah. Bombay Provincial Municipal Corporations (Amendment and Validation) Act, 1995 acts and  
 IV of (hereinafter referred to as “the said period”), shall be valid and shall be deemed things done  
 1995. always to have been valid; and no suit or other proceeding shall be instituted, maintained by  
 or continued against the said Administrator or the said Municipal Corporation on the administrator.  
 ground that the elections to the said Municipal Corporation for election of the Councillors  
 were not held within the aggregate period of ten years from the date on which the  
 Administrator had assumed office and that he had no authority to do such acts or  
 things during the said period.”

\*‡‡ Mah. Ord. V of 1995 was repealed by Mah. 5 of 1995, s. 3.

† This indicates the date of commencement of the Act.

\*‡‡‡† Mah. Ord. X of 1995 was repealed by Mah. 3 of 1996, s. 3.

‡ This indicates the date of commencement of this Act.

Δ Mah. Ord. VII of 2000 was repealed by Mah. 25 of 2000, s. 5.

ΔΔ Mah. Ord. XXV of 2000 was repealed by Mah. 1 of 2001, s. 4.

ΔΔΔ Mah. Ord. XVII of 2000 was repealed by Mah. 2 of 2001, s. 5.

ΔΔΔΔ Mah. Ord. XVIII of 2001, Mah. Ord. XXXII of 2001, and Mah. Ord. XXXIV of 2001 and Mah. Ord. XXXVII of 2001 were repealed by Mah. 8 of 2002, s. 24.

ΔΔΔΔΔ This Act came into force w.e.f. 14th February 2002 by G. N., U.D.D., No. MMC. 1199/218/CR 29/2002/UD-32, dated the 14th February 2002.

ΔΔΔΔΔΔ This Act came into force w.e.f. 1st January 2005 by G. N., U.D.D., No. BNM. 2004/375/CR 33/UD-32, dated the 1st January 2005.

Amended by Mah. 19 of 2006 (21-6-2006)@

”	”	35 of 2006 (1-10-2006)*
”	”	49 of 2006 (27-10-2006)\$
”	”	11 of 2007 (27-2-2007)£
”	”	15 of 2007 (27-10-2006)†#
”	”	33 of 2007 (1-3-2008)‡
”	”	2 of 2008 (4-1-2008)†
”	”	3 of 2008 (4-1-2008)†
”	”	12 of 2008 (2-5-2008)†
”	”	13 of 2008 (12-5-2008)¶%
”	”	4 of 2009 (3-10-2008) <sup>a</sup>
”	”	6 of 2009 (14-1-2009)†

@ This Act came into force with effect from the 21st June 2006 *vide* G. N., U.D.D., No. BNM 5005/218/CR-43/2005/UD-32, dated the 21st June 2006.

\* This Act came into force with effect from the 1st October 2006 *vide* G. N., U.D.D., No. BNM 5003/121/CR-19/UD-32, dated the 15th September 2006.

\$ Maharashtra Ordinance No. 12 of 2006 was repealed by Mah. 49 of 2006, s. 6.

£ Maharashtra Ordinance No. 2 of 2007 was repealed by Mah. 11 of 2007, s. 13.

# Section 6 of Mah. 15 of 2007 reads as under :—

Validation and savings. “6. Notwithstanding anything contained in the second proviso to section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, any Councillor elected to reserved seat and who has not received the validity certificate from the Scrutiny Committee within a period of three months from the date of his election shall continue to hold the office of the Councillor for a further period of one month, as if, the period of three months for submission of the Validity Certificate has been extended by a further period of one month; and any action taken by such Councillor during the period commencing from the expiry of three months from the date of his election and ending on the date of publication of the Maharashtra Municipal Corporation and Municipal Councils (Amendment) Act, 2007, shall be deemed to have been validly taken and shall not be challenged in any court of law only on the ground that during the period of three months from the date of his election he had not submitted the validity certificate.”.

‡ This Act came into force with effect from the 1st March 2008 *vide* G. N., U.D.D., No. BNM 5006/35/CR-79/UD-32, dated the 25th February 2008.

% This Act came into force with effect from the 12th May 2008 *vide* G. N., U.D.D., No. BNM 5007/434/CR-119/UD-32, dated the 12th May 2008.

¶ Section 6 of Mah. 13 of 2008 reads as under :—

Removal of doubt. “6. For the removal of doubt, it is hereby declared that, the election to a reserved seat to the Municipal Corporations or Municipal Councils, before the date of coming into force of this Act, shall be regulated by the relevant provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as they existed immediately before such date of commencement.”.

Mah. XL of 1965.

Mah. XV of 2007.

Bom. III of 1888. Bom. LIX of 1949. C.P. and Berar II of 1950. Mah. XL of 1965.

<sup>a</sup> Maharashtra Ordinance No. 7 of 2008 was repealed by Mah. 4 of 2009, s. 9.

Amended by Mah. 7 of 2009 (6-2-2009)β

”	”	21 of 2009φ
”	”	27 of 2009 (31-8-2009)ψ
”	”	10 of 2010 (1-6-2010)∞©
”	”	27 of 2010¥!@@
”	”	9 of 2011 (1-5-2011)**
”	”	11 of 2011 (10-3-2011)\$\$
”	”	12 of 2011 (10-3-2011)££

β This Act came into force with effect from the 6th February 2009 *vide* G. N., U.D.D., No. MMC 2008/291/CR-103/UD-32, dated the 6th February 2009.

φ **Not brought into force till 4th June 2014.**

ψ Maharashtra Ordinance No. 21 of 2009 was repealed by Mah. 27 of 2009, s. 7.

∞ This Act came into force with effect from the 1st June 2010 *vide* G. N., U.D.D., No. MMC 2008/466/CR-167/08/UD-32, dated the 31st May 2010.

© Section 43 of Mah. 10 of 2010 reads as under :—

“43. For the removal of doubt, it is hereby declared that all proceedings in connection with any assessment, reassessment, levy (including levy of penalty or interest) and collection of any property tax levied on the basis of reteable value relating to any period whatsoever, immediately before the date determined by the Corporation under sub-section (2) of section 129 to adopt capital value to be the base for levy of property taxes shall, notwithstanding anything contained in this Act but save as otherwise expressly provided therein, be continued and dealt with under the Provincial Corporations Act as if this Act has not been enacted.”

Removal of doubt.

¥ Sections 1, 10 and 12 came into force with effect from the 2nd August 2010 and sections 2 to 9, 11 and 13 to 19 came into force with effect from the 26th August 2010.

! Maharashtra Ordinance Nos. 9 of 2009 and 10 of 2010 were repealed by Mah. 27 of 2010, s. 20.

@@ Section 19 of Mah. 27 of 2010 reads as under :—

“19. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Bom. Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, III of the City of Nagpur Corporation Act, 1948 or, as the case may be, the Maharashtra 1888. Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in respect Bom. of the matters contained in this Act, the State Government may, as the occasion LIX of arises, by order published in the *Official Gazette*, do anything not inconsistent with 1949. the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial C.P. Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or, as the and case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Berar Townships Act, 1965, as amended by this Act, which appears to it to be necessary for II of the purpose of removing the difficulty :

Power to remove difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the respective section of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.”.

\*\* Sections 3, 5, 7 and 9 came into force with effect from the 1st May 2011 *vide* G.N., U.D.D., No. BMC. 5007/267/CR-71/UD-32, dated the 27th April 2011. Section 41 This Act has not brought into force till 31st August 2013.

\$\$ Maharashtra Ordinance No. 10 of 2011 was repealed by Mah. 11 of 2011, s. 17.

££ Maharashtra Ordinance No. 9 of 2011 was repealed by Mah. 12 of 2011, s. 8.

Amended by Mah.	14 of 2011 (10-3-2011)##††
” ” ”	20 of 2011 (21-4-2011)†%%
” ” ”	26 of 2011 (26-5-2011)ΠΠ
” ” ”	29 of 2011 (12-9-2011)ααββ

## Maharashtra Ordinance No. 11 of 2011 was repealed by Mah. 14 of 2011, s. 31.

†† Section 29 of Mah. 14 of 2011 reads as under :—

Removal of  
difficulty.

**29.** (1) If any difficulty arises in giving effect to the provisions of a Municipal Act or rules contained therein or made thereunder as they stand amended by this Act, the State Government may, as occasion arises, by order, take such action, not inconsistent with the provisions of the Municipal Act as amended by this Act, as appears to it to be necessary for the purpose of removing such difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every such order made under sub-section (1) shall be laid, as soon as may be, after it is made before each House of the State Legislature.”.

† This indicates the date of commencement of the Act.

%% Section 6 of Mah. 20 of 2011 reads as under :—

Power to  
remove  
difficulties.

**6.** (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act or by reason of anything contained therein, or in giving effect to any of those Acts in respect of the matters contained in this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing such difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.”.

ΠΠ Maharashtra Ordinance No. 13 of 2011 was repealed by Mah. 26 of 2011, s. 5.

αα This Act came into force with effect from the 12th September 2011 *vide* G.N., U.D.D., No. MMC-2010/5/CR-6/UD-32, dated the 9th September 2011.

ββ Section 9 of Mah. 29 of 2011 reads as under :—

Power to  
remove  
difficulties.

**9.** (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of those Acts :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.”.

Bom. III of 1888.  
Bom. LIX of 1949.  
C.P and Berar II of 1950.  
Mah. XL of 1965.

Bom. III of 1888.  
Bom. LIX of 1949.  
C.P. and Berar II of 1950.  
Mah. XL of 1965.

Amended by Mah.	32 of 2011 (21-5-2011)φφ
” ” ”	40 of 2011
” ” ”	42 of 2011 (24-10-2011)###%%%
” ” ”	2 of 2012* (22-3-2012)
” ” ”	17 of 2012 (4-8-2012)
” ” ”	23 of 2012** (5-12-2012)%%%
” ” ”	28 of 2012 (20-12-2012)

**An Act to provide for the establishment of Municipal Corporations <sup>1</sup>[for all larger urban areas except that of Brihan Mumbai] in <sup>2</sup>[the State of Maharashtra].**

φφ Maharashtra Ordinance No. 12 of 2011 was repealed by Mah. 32 of 2011, s. 49.

### Maharashtra Ordinance No. 8 of 2011 and Maharashtra Ordinance No. 20 of 2011 were repealed by Mah. 42 of 2011, s. 6.

%% Section 5 of Mah. 42 of 2011 read as under :—

“5. (1) If any difficulty arises in giving effect to the provisions of the Bombay Provincial Municipal Corporations Act, 1949 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by order published in the *Official Gazette*, do anything not inconsistent with the provisions of the relevant law, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Power to remove difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the respective section of this Act.

(2) Every order under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.”.

\* This Act come into force w.e.f. 22nd March 2012 vide G.N., U.D.D., No. MMC. 2009/72/C.R. 48/2009/UD-32, dated the 22nd March 2012.

\*\* This Act come into force w.e.f. 5th December 2012 vide G.N., U.D.D., No. NMC. 2009/C.R. 54/UD-32, dated the 1st December 2012.

%% Section 9 of Mah. 23 of 2012 read as under :—

“9. (1) If any difficulty arises in giving effect to the provisions of the Municipal Corporations Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the said Act which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Power to remove difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

<sup>1</sup> These words were substituted for the word “ for certain larger urban areas ” by Mah. 23 of 2012, s. 2.

<sup>2</sup> These words were substituted for the words “ the Province of Bombay ” by Mah. 29 of 1982.

**WHEREAS**, it is expedient to provide for the establishment of municipal corporations <sup>1</sup>[for all larger urban areas except that of Brihan Mumbai] <sup>2</sup>[in the State of Maharashtra] with a view to ensure a better municipal government of <sup>3</sup>[the said larger urban areas]; It is hereby enacted as follows :—

## CHAPTER I.

### PRELIMINARY.

Short title,  
extent and  
commence-  
ment. **1.** (1) This Act may be called the <sup>4</sup>[Maharashtra Municipal Corporations Act ].  
(2) It extends to the areas of Municipal Corporations constituted or deemed to be constituted under the Act.]

6\* \* \* \* \*

Definitions. **2.** In this Act, unless there be something repugnant in the subject or context,—

(1) “ Appendix ” means an Appendix to this Act ;

7\* \* \* \* \*

<sup>8</sup>[(2A) “ approved co-operative bank ” means such co-operative bank registered or deemed to be registered under the ‘Bombay Co-operative Societies Act, 1925, as may be approved by the State Government by general or special order ;]

Bom.  
VII of  
1925.

<sup>9</sup>[(2B) “ Assembly Constituency ” means a constituency provided by law for the purpose of elections to the Maharashtra Legislative Assembly; or any part thereof which is for the time being comprised in the City ;

(2C) “ Assembly roll ” means the electoral roll prepared for any Assembly constituency in accordance with the provisions of the Representation of the People Act, 1950 ;]

XLII  
of  
1950.

(3) “ bakery or bake-house ” means any place in which bread, biscuits or confectionery are baked, cooked or prepared in any manner whatsoever for the purposes of sale or profit ;

<sup>1</sup> These words were substituted for the words “ for certain larger urban areas ” by Mah. 23 of 2012, s. 3.

<sup>2</sup> These words were inserted by Mah. 29 of 1982, s. 2.

<sup>3</sup> These words were substituted for the words “ the said cities ” by Mah. 41 of 1994, s. 42(b)(ii).

<sup>4</sup> These words were substituted for the words and figures “ Bombay Provincial Municipal Corporations Act, 1949 ” by Mah. 23 of 2012, s. 4.

<sup>5</sup> This sub-section was substituted by Mah. 41 of 1994, s. 43(a).

<sup>6</sup> Sub-section (3) was deleted, *ibid.*, s. 43(b).

<sup>7</sup> Clause (2) was deleted, *ibid.*, s. 44(a).

<sup>8</sup> Clause (2A) was inserted by Bom. 19 of 1954, s. 2.

<sup>9</sup> Clauses (2B) and (2C) were inserted by Mah. 34 of 1965, s. 2.

† See now the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961).

<sup>1</sup>[(3A) “Backward Class of citizens” means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and *Vimukta Jatis* and Nomadic Tribes;]

(4) “budget grant” means the total sum entered on the expenditure side of a budget estimate under a major head as prescribed by rules and adopted by the corporation, and includes any sum by which such budget grant may be increased or reduced by a transfer from or to other heads in accordance with the provisions of this Act and rules ;

(5) “building” includes a house, out-house, stable, shed, hut, and other enclosure or structure whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, doorsteps, walls including compound walls and fencing and the like ;

<sup>2</sup>[(5A) “business” includes,---

(a) any trade, commerce, profession, consumption or manufacture or any adventure or concern in the nature of trade, commerce, profession, consumption or manufacture, whether or not such trade, commerce, profession, consumption, manufacture, adventure or concern is carried on with a motive to make gain or profit and whether or not any gain or profit accrues from such trade, commerce, profession, consumption, manufacture, adventure or concern and whether or not there is any volume, frequency, continuity or regularity in such trade, commerce, profession, consumption, manufacture, adventure or concern ;

(b) any transaction in connection with, or incidental or ancillary to, such trade, commerce, profession, consumption, manufacture, adventure or concern whether or not such transaction is in respect of capital assets and whether or not it is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction, and whether or not, there is any volume, frequency, continuity or regularity in such transaction ;

(c) any occasional transaction in the nature of such trade, commerce, profession, consumption, manufacture, adventure or concern involving import, purchase or sale of goods in the City, whether or not there is any volume, frequency, continuity or regularity to such transaction and whether or not such transaction is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction ;

(d) any transaction in connection with, or incidental or ancillary to, the commencement or closure of such trade, commerce, profession, consumption, manufacture, adventure or concern, whether or not such transaction is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction.

*Explanation*—For the purposes of this clause, the activities of raising of man-made forests or rearing of seedlings or plants shall be deemed to be a business;]

(6) “by-law” means a by-law made under section 458 ;

<sup>3</sup>[(6A) “cess” means a cess on the entry of goods into the limits of the City for consumption, use or sale therein levied in accordance with the provisions of Chapter XIA, <sup>4</sup>[but does not include Local Body Tax, as defined in clause (31A) or the octroi as defined in clause (42) ;]

<sup>1</sup> Clause (3A) was inserted by Mah. 41 of 1994, s. 44(b).

<sup>2</sup> Clause (5A) was inserted by Mah. 3 of 1996, s. 2(a).

<sup>3</sup> Clause (6A) was inserted, *ibid.*, s. 2(b).

<sup>4</sup> This portion was substituted for the words, figures and brackets “but does not include octroi as defined in clause (42)” by Mah. 27 of 2009, s. 2 (a).

(7) “cesspool” includes a settlement tank or other tank for the reception or disposal of foul matter from buildings ;

<sup>1</sup>[(8) “City” means the larger urban area specified in a notification issued, in respect thereof under clause (2) of article 243-Q of the Constitution of India or under sub-section (2) of section 3 of the Act, <sup>2</sup>[forming a City, and in respect of the City of Nagpur means, the area comprised in the City of Nagpur on the date of commencement of the Bombay Provincial Municipal Corporations (Amendment) and the City of Nagpur Corporation (Repeal) Act, 2011;]

Mah.  
XXIII  
of  
2012.

(9) “the Commissioner” means the Municipal Commissioner for the City appointed under section 36 and includes an acting Commissioner appointed under section 39 ;

<sup>3</sup>[(10) “Corporation” means the Municipal Corporation constituted or deemed to have been constituted for a larger urban area known as a City;]

<sup>4</sup>[(11) “Councillor” means a person duly elected as a member of the Corporation; and includes a nominated Councillor who shall not have the right,—

(i) to vote at any meeting of the Corporation and Committees of the Corporation; and

(ii) to get elected as a Mayor of the Corporation or a Chairperson of any of the Committees of the Corporation ;]

(12) “cubical contents” when used with reference to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey or where the building consists of one storey only, the upper surface of its floor ;

(13) “dairy” includes any farm, cattle-shed, milk store, milk shop, or other place from which milk is supplied for sale or in which milk is kept for the purposes of sale or manufactured into butter, ghee, cheese, curds or dried or condensed milk for sale and in the case of a dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk but does not include a shop or other place in which milk is sold for consumption on the premises only ;

(14) “dairyman” includes the keeper of a cow, buffalo, goat, ass or other animal the milk of which is offered or intended to be offered for sale for human consumption, and any surveyor of milk and any occupier of a dairy;

(15) “dairy produce” includes milk., butter, ghee, curd, butter milk, cream, cheese and every product of milk ;

(16) “dangerous disease” means cholera, plague, small-pox or any other epidemic or infectious disease by which the life of human beings is endangered and which the Corporation may from time to time by public notice declare to be a dangerous disease ;

<sup>5</sup>[(16A) “dealer” means any person who whether for commission, remuneration or otherwise imports, buys or sells any goods in the City for the purpose of his business or in connection with or incidental to his business, and includes,—

(a) a factor, broker, commission agent, *del credere* agent or any other mercantile agent, by whatever name called, and whether or

<sup>1</sup> Clause (8) was substituted by Mah. 41 of 1994, s. 44(c).

<sup>2</sup> These words were substituted for the words “forming a City;” by Mah. 23 of 2012, s. 5.

<sup>3</sup> Clause (10) was substituted by Mah. 41 of 1994, s. 44 (d).

<sup>4</sup> Clause (11) was substituted *ibid.*, s. 44(e).

<sup>5</sup> Clause (16A) was substituted by Mah. 3 of 1996, s. 2(C).

not of the same description as hereinbefore specified who buys, sells, supplies, distributes or imports any goods in the City, belonging to any principal or principals whether disclosed or not;

(b) an auctioneer, who sells or auctions goods in the City, belonging to any principal whether disclosed or not and whether the offer of the intending purchaser is accepted by him or by the principal or a nominee of the principal;

(c) the Central Government or any State Government which (whether or not while carrying on business) buys, sells, supplies, distributes or imports goods directly or otherwise, for commission, remuneration or otherwise;

(d) a society, club or other association of persons (whether incorporated or not) which, whether while carrying on business or not, imports, buys, sells, supplies or distributes goods whether for or on behalf of its members or not, for cash or for deferred payment or, for commission, remuneration or otherwise.

*Explanation.*—For the purposes of this clause,—

(A) a manager or agent of a non-resident dealer residing in the City who imports, buys, sells, supplies or distributes goods in the City or acts on behalf of such dealer as—

3 of  
1930.

(a) a mercantile agent as denned in the Sale of Goods Act, 1930, or

(b) an agent for handling of goods or documents of title relating to goods, or

(c) an agent for the collection or the payment for the sale price of goods, shall be deemed to be a dealer or as a guarantor for such collection or payment;

(B) each of the following persons and bodies who disposes of any goods including goods as unclaimed or confiscated or as unserviceable or as scrap, surplus, old, obsolete or discarded material or waste products whether by-auction or otherwise directly or through an agent for cash, or for deferred payment, or for any other valuable consideration, shall, notwithstanding anything contained in clause (5A) or any other provisions of this Act, be deemed to be a dealer, namely :—

(a) Port Trusts;

(b) Municipal Corporations, Municipal Councils, *Zilla Parishads* and other local authorities ;

9 of  
1890.

(c) Railway administration as defined under the \* Indian Railways Act, 1890;

(d) Shipping, transport and construction companies;

(e) Air transport companies and Airlines ;

59 of  
1988.

(f) Transporters, holding permit for transport vehicles granted under the Motor Vehicles Act, 1988 which are used or adapted to be used for hire or reward ;

44 of  
1950.

(g) Maharashtra State Road Transport Corporation constituted under the Road Transport Corporations Act, 1950 ;

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\* See, now the Railways Act, 1989 (24 of 1989).

(h) Customs Department of the Government of India administering the Customs Act, 1962 ; 52 of 1962.

(i) Insurance and Financial Corporations, or Companies, and Banking Companies;

(j) Advertising agencies;

(k) any other Corporation, Company, Body or Authority owned or set-up by, or subject to administrative control of, the Central Government or any State Government.

*Exception.*—(i) Any individual who imports goods for his exclusive consumption or use and a department of State or Central Government not engaged in business shall not be a dealer;

(ii) An agriculturist who sells exclusively agricultural produce grown on the land cultivated by him personally, shall not be deemed to be a dealer within the meaning of this clause ;]

<sup>1</sup>[(16B) “Designated Officer” means an officer designated under sub-section (1) of section 260;]

(17) “drain” includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic tank or other device for carrying-off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water, or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place ;

(18) “eating house” means any premises to which the public or any sections of the public are admitted and where any kind of food is prepared or supplied, for consumption on the premises or elsewhere, for the profit or gain of any person owning or having an interest in or managing such premises ;

(19) “essential services” means services in which any municipal officer, servant or other person is employed by or on behalf of the Corporation and which are specified in the rules ;

(20) “factory” means a factory as defined in the Factories Act, 1948 ; 63 of 1962.

(21) “filth” includes sewage, nightsoil and all offensive matter;

<sup>2</sup>[(21A) “Finance Commission” means the Finance Commission constituted in accordance with the provisions of article 243-I of the Constitution of India;]

(22) “food” includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also include confectionery, flavouring and colouring matter and spices and condiments;

(23) “form” means a form appended to the rules ;

(24) “frame building” means a building the external walls of which are constructed of timber framing or iron framing and the stability of which depends on such framing;

(25) “goods” includes animals;

<sup>1</sup> Clause (16B) was inserted by Mah. 2 of 2012, s. 10.

<sup>2</sup> Clause (21A) was inserted by Mah. 41 of 1994, s. 44(f).

(26) “house-drain” means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communicating therefrom with a municipal drain ;

(27) “house-gully” or “service passage” means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleaning thereof or in the removal of such matter therefrom ;

(28) “hut” means any building which is constructed principally of wood, mud, leaves, grass, cloth or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the Corporation may declare to be hut for the purposes of this Act;

<sup>1</sup>[(28A) “ importer ” means a person who brings or causes to be brought any goods into the limits of the City from any place outside the area of the City for use, consumption or sale therein ;]

(29) “the Judge” means in the <sup>2</sup>[City of <sup>3</sup>[Pune] the Judge of the Court of Small Causes, and in any other City, the Civil Judge (Senior Division) having jurisdiction in the City];

(30) “land” includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street;

<sup>4</sup>[(30A) “larger urban area” means an area specified as a larger urban area in a notification issued under clause (2) of article 243-Q of the Constitution of India or under the Act;]

(31) “licensed plumber”, “licensed surveyor”, “licensed architect”, “licensed engineer”, “licensed structural designer” and “licensed clerk of works”, respectively, means a person licensed by the Corporation as a plumber, surveyor, architect, engineer, structural designer or a clerk of works under this Act;

<sup>5</sup>[(31A) “Local Body Tax ” means a tax on the entry of goods into the limits of the City, for consumption, use or sale therein, levied in accordance with the provisions of Chapter XIB, but does not include cess as defined in clause (6A) and octroi as defined in clause (42);]

(32) “lodging house” means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration;

(33) “market” includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, live-stock or food for live-stock or meat, fish, fruit, vegetables, animals intended for human food or any other articles of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person ;

<sup>1</sup> This clause was inserted by Mah. 3 of 1996, s. 2(d).

<sup>2</sup> These words were substituted for the words “Cities of Ahmedabad and Poona” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>3</sup> This word was substituted for the word “Poona” by Mah. 6 of 1989, s. 2.

<sup>4</sup> Clause (30A) was inserted by Mah. 41 of 1994, s. 44(g).

<sup>5</sup> Clause (31A) was inserted by Mah. 27 of 2009, s. 2(b).

(34) “masonry building” means any building other than a frame building or a hut and includes any structure a substantial part of which is made of masonry or of steel, iron or other metal ;

(35) “municipal drain” means a drain vested in the Corporation ;

(36) “municipal market” means a market vested in or managed by the Corporation ;

(37) “municipal slaughter house” means a slaughter house vested in or managed by the Corporation ;

(38) “municipal tax” means any impost levied under the provisions of this Act;

(39) “municipal water-works” means water-works belonging to or vesting in the Corporation ;

(40) “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property ;

(41) “occupier” includes,—

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable,

(b) an owner living in or otherwise using his land or building,

(c) a rent-free tenant,

(d) a licensee in occupation of any land or building, and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(42) “octroi” means a cess on the entry of goods into the limits of a city for consumption, use or sale therein <sup>1</sup>[but does not include a cess as defined in clause 6A or Local Body Tax, as defined in clause (31A);]

(43) “offensive matter” includes animal carcasses, dung, dirt and putrid or putrifying substances other than sewage ;

(44) “official year” <sup>2</sup>[or year]” means the year commencing on the first day of April;

(45) “owner” means,—

(a) when used with reference to any premises, the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let and includes,—

(i) an agent or trustee who receives such rent on account of the owner,

(ii) an agent or trustee who receives the rent of, or is entrusted with or concerned for, any premises devoted to religious or charitable purposes,

<sup>1</sup> This portion was substituted for the words, figure, letter and brackets “ but does not include a cess as defined in clause (6A)” by Mah. 27 of 2009, s. 2 (c).

<sup>2</sup> These words were inserted by Mah.3 of 1996. s. 2(f).

(iii) a receiver, sequestrator or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises, and

(iv) a mortgagee in possession ; and

(b) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or boat;

(46) “premises” includes messuages, buildings and lands of any tenure whether open or enclosed, whether built on or not and whether public or private ;

<sup>1</sup>[(46A) “prescribed” means prescribed by rules ;]

(47) “private street” means a street which is not a public street;

(48) “privy” means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptacle therein for human *excreta* and fittings and apparatus, if any, connected therewith, and includes a closet of the dry type, an aqua privy, a latrine and a urinal;

(49) “property tax” means a tax on buildings and lands in the City;

(50) “public place” includes any public park or garden or any ground to which the public have or are permitted to have, access ;

(51) “public securities” means,—

(a) securities of the Central Government or any <sup>2</sup>[State] Government,

(b) securities, stocks, debentures or shares the interest whereon has been guaranteed by the Central or the <sup>2</sup>[State] Government,

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by any enactment for the time being in force in any part of <sup>3</sup>[the territory of India],

(d) securities expressly authorized by any order which the <sup>2</sup>[State] Government makes in this behalf ;

(52) “public street” means any street,—

(a) heretofore levelled, paved, metalled, channelled, sewerred or repaired out of municipal or other public fund, or

(b) which under the provisions of section 224 is declared to be, or under any other provision of this Act becomes, a public street;

(53) “rack rent” means the amount of the annual rent for which the premises with reference, to which the term is used might reasonably be expected to let from year to year as ascertained for the purpose of fixing the rateable value of such premises ;

<sup>1</sup> This clause was inserted, by Mah. 3 of 1996, s. 2(g).

<sup>2</sup> This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

<sup>3</sup> This portion was substituted for the words “ the Dominion of India”, *ibid*.

(54) “rateable value” means the value of any building or land fixed in accordance with the provisions of this Act and the rules for the purpose of assessment to property taxes ;

<sup>1</sup>[(54A) “registered dealer” means a dealer registered under section 152F;]

(55) “regulation” means a regulation made under section 465 ;

(56) (a) a person is deemed to “reside” in any dwelling which, or some portion of which, he sometimes uses, whether interruptedly or not as a sleeping apartment, and

(b) a person is not deemed to cease to “reside” in any such dwelling merely because he is absent from it or has elsewhere another dwelling in which he resides if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

(57) “rubbish” includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

(58) “rules” include rules in <sup>2</sup>[Schedule D] and rules made under sections 454 and 456 ;

<sup>3</sup>[(59) “Schedule “ means Schedule appended to this Act ;]

<sup>4</sup>[(59A) “ scheduled bank” means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 ;] 2 of 1934.

<sup>5</sup>[(59B) “Scheduled Castes” means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be the Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution of India;

(59C) “Scheduled Tribes” means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be the Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India;]

(60) “sewage” means night-soil and other contents of water closets, latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places, and includes trade effluent and discharges from manufactures of all kinds ;

(61) “special fund” means a fund constituted under section 91;

(62) “standing order” means an order made under section 466 ;

<sup>6</sup>[(62A) “State Election Commission” means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243-K of the Constitution of India ;]

<sup>1</sup> Clause (54A) was inserted by Mah. 3 of 1996, s. 2(h).

<sup>2</sup> This word and letter was substituted for the words “the Schedule” by Mah. 3 of 1996, s. 2(i).

<sup>3</sup> Clause 59 was substituted, *ibid.*, s. 2 (j).

<sup>4</sup> Clause (59A) was inserted by Bom. 10 of 1953, s. 2.

<sup>5</sup> Clauses (59B) and (59C) were inserted by Mah. 41 of 1994, s. 44(h).

<sup>6</sup> Clause (62A) was inserted, *ibid.*, s. 44 (i).

(63) “street” includes any highway, and any causeway, bridge, viaduct, arch, road, lane, footway, sub-way, court, alley or riding path or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years, and when there is a footway as well as a carriage way in any street, the said term, includes both ;

(64) “sweetmeat shop” means any premises or part of any premises used for the manufacture, treatment or storage for sale, or for the sale, wholesale or retail of any icecream, confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises ;

(65) “theatre tax” means a tax on amusements or entertainments ;

(66) “trade effluent” means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises, means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage ;

(67) “trade premises” means any premises used or intended to be used for carrying on any trade or industry ;

(68) “trade refuse” means and includes the refuse of any trade, manufacture or business ;

(69) “Transport Manager” means the Transport Manager of the Transport Undertaking appointed under section 40 and includes an acting Transport Manager appointed under section 41 ;

(70) “Transport Undertaking” means all undertakings acquired, organised, constructed, maintained, extended, managed or conducted by the Corporation for the purpose of providing mechanically propelled transport facilities for the conveyance of the public and includes all movable and immovable property and rights vested or vesting in the Corporation for the purposes of every such undertaking ;

<sup>1</sup>[(70A) “turnover of purchases” means the aggregate of the amount of purchase price paid and payable by a dealer or a person in respect of any purchase of goods made by him during a given period, after deducting the amount of purchase price, if any, refunded to the dealer or the person by the seller in respect of any goods purchased from the seller and returned to him within a period of six months ;

(70B) “turnover of sales” means the aggregate of the amount of sale price received and receivable by a dealer or a person in respect of any sale of goods made during a given period after deducting the amount of sale price, if any refunded by him to a purchaser, in respect of any goods purchased and returned, by the purchaser to him within a period of six months and where the registration certificate is cancelled, the amount, in respect of sales made before the date on which the cancellation become effective, received or receivable after such date;]

<sup>2</sup>[(70C) “value of the article”, in relation to the goods imported into the city, where “octroi” or “cess” is charged on such goods on *ad valorem* basis, shall mean the value of the article as mentioned in the original invoice, and include the shipping dues, insurance, custom duties, excise duties, counter vailing duty, sales tax (if any), Value Added Tax (VAT), transport charges, vendor freight charges, carrier charges and all other incidental charges;]

(71) “vehicle” includes a carriage, a cart, van, truck, hand-cart, bicycle, tricycle, motor car, and every wheeled conveyance which is used or is capable of being used on a street ;

<sup>3</sup>[(71A) “Wards Committee” means a Wards Committee constituted under section 29A of this Act;]

<sup>1</sup> These clauses were inserted by Mah. 3 of 1996, s. 2(k).

<sup>2</sup> Clause (70C) was inserted by Mah. 4 of 2009, s. 2.

<sup>3</sup> This clause was inserted by Mah. 41 of 1994, s. 44(j).

(72) “water closet ” means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action ;

(73) “water-connection ” includes—

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on a private property and connected with a water-main or pipe belonging to the Corporation ; and

(b) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipes ;

(74) “water-course ” includes any river, stream, or channel whether natural or artificial ;

(75) “water for domestic purposes ” shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or mechanical purposes ;

(76) “water-work ” includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, mainpipe, culvert, engine, water-truck, hydrant, stand-pipe, conduit, and machinery, land, building or thing for supplying or used for supplying water or for protecting sources of water supply.

<sup>2</sup>[Specification of larger urban areas and constitution of Corporations.]

**3.** <sup>1</sup>[(1) The Corporation for every City constituted under this Act existing on the date of coming into force of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 1994, specified as a larger urban area in the notification issued in respect thereof under clause (1) of article 243-Q of the Constitution of India, shall be deemed to be a duly constituted Municipal Corporation for the larger urban area so specified forming a City, known by the name “ The Municipal Corporation of the City of ..... ”.

Mah. XLI of 1994.

<sup>3</sup>[(1A) The Corporation of the City of Nagpur incorporated under the City of Nagpur Corporation Act, 1948 for the larger urban area specified in the notification issued in this respect under clause (2) of article 243-Q of the Constitution of India shall, on and from the date of coming into force of the Bombay Provincial Municipal Corporations (Amendment) and the City of Nagpur Corporation (Repeal) Act, 2011, be deemed to have been constituted under this Act and accordingly the provisions of this Act shall apply to the area of the City of Nagpur.]

C.P. and Berar II of 1950.

Mah. XXIII of 2012.

<sup>1</sup> Sub-sections (1), (2) and (2A) were substituted by Mah. 41 of 1994, s. 45(a).

<sup>2</sup> This marginal note was substituted, *ibid.*, s. 45(b)(iii).

<sup>3</sup> This sub-section was inserted by Mah. 23 of 2012, s. 6.

(2) Save as provided in sub-section (1), the State Government may, having regard to the factors mentioned in clause (1) of article 243-Q of the Constitution of India, specify by notification in the *Official Gazette*, any urban area with a population of not less than three lakhs as a larger urban area.

(2A) Every larger urban area so specified by the State Government under sub-section (2), shall form a City and there shall be a Municipal Corporation for such larger urban area known by the name of the “Municipal Corporation of the City of .....”.]

(3) <sup>1</sup>[(a) <sup>2</sup>[Subject to the provision of sub-section (2), the State Government] may also from time to time after consultation with the Corporation by notification in the *Official Gazette* alter the limits specified. for any city under sub-section (1) or sub-section (2) so as to include therein or to exclude therefrom, such area as is specified in the notification.]

<sup>3</sup>[(b) Where any area is included within the limits of the <sup>4</sup>[larger urban area] under clause (a), any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws or forms made, issued, imposed or granted under this Act or any other law, which are for the time being in force in the <sup>5</sup>[larger urban area] shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise provided in section 129A or any other provision of this Act, apply to and be in force in the additional area also from the date that area is included in the <sup>5</sup>[larger urban area].]

(4) The power to issue a notification under this section shall be subject to the conditions of previous publication.

Mah. XL of 1965. <sup>6</sup>[Provided that, where the population of any urban area, in respect of which a Council has been constituted under the provisions of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as per the latest census figures has exceeded three lakhs, the State Government may, for the purpose of constituting a Corporation under this Act for such urban area, with the same boundries, dispense with the condition of previous publication of the notification under this section.]

**3A.**   7\*           \*           \*           \*           \*           \*

<sup>1</sup> This sub-section was renumbered as clause (a) by Mah. 29 of 1982, s. 6.

<sup>2</sup> These words were substituted for the words “The State Government”, by Mah. 41 of 1994, s. 45(b) (i).

<sup>3</sup> This sub-clause was added to sub-section (3) by Mah. 29 of 1982, s. 6.

<sup>4</sup> These words were substituted for the word “City”, by Mah. 41 of 1994, s. 41(b)(ii).

<sup>5</sup> These words were substituted for the word “City”, *ibid.*, s. 41(b)(iii).

<sup>6</sup> This proviso was added by Mah. 42 of 2011, s.2.

<sup>7</sup> Section 3A was deleted, by Mah. 41 of 1994., s. 46.

## CHAPTER II.

## CONSTITUTION.

*Municipal Authorities.*

Municipal  
authorities  
charged with  
execution of  
the Act.

4. (1) The municipal authorities charged with carrying out the provisions of this Act are for each City,

- (A) a Corporation ;
- (B) a Standing Committee ;
- <sup>1</sup>[(BA) Wards Committees ;
- (BB) a Mayor ; and]
- (C) a Municipal Commissioner ;

and, in the event of the Corporation establishing or acquiring a Transport Undertaking,

- (D) a Transport Committee ;
- (E) a Transport Manager.

(2) The duties imposed on the Corporation in respect of primary education shall be performed in accordance with the provisions of the \*Bombay Primary Education Act, 1947, and for the purposes of the said Act the Corporation shall be deemed to be an authorised municipality within the meaning of the said Act with power to control all approved schools within the City, and to appoint an Administrative Officer.

Bom.  
LXI  
of  
1947.

Constitution  
of  
Corporation.

5. (1) Every Corporation shall, by the name of the “ The Municipal Corporation of the City of .....”, be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

<sup>2</sup>[(2) Each Corporation shall consist of,—

(a) such number of councillors, elected directly at ward elections, as is specified in the table below :—

TABLE

Population (1)	Number of Councillors (2)
(i) Above 3 lakhs and upto 6 lakhs.	The minimum number of elected councillors shall be 65.  For every additional population of 15,000 above 3 lakhs, one additional councillor shall be provided, so however that the maximum number elected councillors shall not exceed 85.

<sup>1</sup> Clauses (BA) and (BB) were substituted by Mah. 7 of 2009, s. 5.

<sup>2</sup> Sub-clause (2) was substituted by Mah. 41 of 1994, s. 48(a).

\* Now, the short title has been amended as “the Maharashtra Primary Education Act (LXI of 1947)” by Mah. 24 of 2012, ss. 2 and 3, Schedule, Entry 28, with effect from the 1st May 2960

(1)	(2)
(ii) Above 6 lakhs and upto 12 lakhs.	The minimum number of elected councillors shall be 85. For every additional population of 20,000 above 6 lakhs, one additional councillor shall be provided, so however that the maximum number of elected councillors shall not exceed 115.
(iii) Above 12 lakhs and upto 24 lakhs.	The minimum number of elected councillors shall be 115. For every additional population of 40,000 above 12 lakhs, one additional councillor shall be provided, so however that the maximum number of elected councillors shall not exceed 145.
(iv) Above 24 lakhs.	The minimum number of elected councillors shall be 145. For every additional population of 1 lakh, one additional councillor shall be provided so that, the maximum number of elected councillors shall be 221 ;

(b) such number of nominated councillors not exceeding five, having special knowledge or experience in Municipal Administration to be nominated by the Corporation in such manner as may be prescribed].

(3) The <sup>1</sup>[State Election Commissioner] shall, from time to time, by notification in the *Official Gazette*, specify for each City the number and boundaries of the wards into which such City shall be divided for the purpose of the ward election of councillor <sup>2</sup>[so that as far as practicable, all wards shall be compact areas and the number of persons in each ward according to the latest census figures shall approximately be the same.] Each of the wards shall <sup>3</sup>[elect as far as possible two Councillors but not less than two and not more than three Councillors, and each voter shall, notwithstanding anything contained in this Act, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward ;]

<sup>4</sup>[*Explanation*.—For the purposes of this Act, the expression “latest census figures” obtaining in sub-section (3), shall mean,—

<sup>1</sup> These words were substituted for the words “State Government” by Mah. 41 of 1994, s. 48(b)(i).

<sup>2</sup> These words were substituted for the portion beginning with the words “each ward shall elect not less than three” and ending with the words “shall approximately be the same” by Mah. 16 of 2004, s. 2.

<sup>3</sup> These words were substituted for the words “elect only one councillor” by Mah. 26 of 2011, s. 2.

<sup>4</sup> This *Explanation* was inserted by Mah. 8 of 2003, s. 5(ii).

(a) the figures of the latest census finally published and pending publication of final figures of the latest census shall mean the provisional figures published of such census ; and

(b) where the relevant final or provisional figures of the latest census are not available, the final relevant figures of the census immediately preceding the latest census :]

<sup>1</sup>[Provided that, no notification issued under sub-section (3), whether before or after the commencement of the Maharashtra Municipal Corporations, Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 1995, shall have effect except for the general election held next after the date thereof and for subsequent elections :]

Mah.  
XI of  
1996.

2*	*	*	*	*	*
3*	*	*	*	*	*

<sup>4</sup>[Provided also that before any notification is issued under sub-section (3), a draft thereof shall be published in the *Official Gazette*, and in such other manner as in the opinion of the <sup>5</sup>[State Election Commissioner] is best calculated to bring the information to the notice of all persons likely to be affected thereby, together, with a notice specifying the date on or before which any objections or suggestions will be received, and the date after which the draft will be taken into consideration.]

<sup>6</sup>[(4) Notwithstanding anything contained in sub-section (3) or any other provisions of this Act, where the area of a City has been extended after the General Elections, an election to provide for representation to the people of the extended area may be held as soon as practicable, and the provisions of sub-section (3) shall, *mutatis mutandis*, apply to such election :

Provided that, the total number of wards in the city including the wards newly constituted for the extended area under this sub-section shall not exceed the number of electoral wards specified in the Table in clause (a) of sub-section (2) :

Provided further that, the population of the wards newly constituted under this sub-section may marginally exceed or be below the average population of the other wards :

Provided also that, the terms of the Councillors elected from the wards newly constituted under this sub-section shall be co-terminus with the term of the Corporation.

(5) No elections under sub-section (4) shall be held if the remainder of the tenure of the Corporation is less than one year.]

<sup>1</sup> This proviso was substituted for the existing first proviso by Mah. 10 of 1996, s. 41.

<sup>2</sup> The second proviso was deleted by Mah. 41 of 1994, s. 48 (b)(iii).

<sup>3</sup> The *Explanation* and the third proviso were deleted, *ibid.*, s. 48(b)(iv).

<sup>4</sup> This proviso was added by Mah. 26 of 1967, s. 2(b)(iii).

<sup>5</sup> These words were substituted for the words " State Government" by Mah. 41 of 1994, s. 48 (b) (i),

<sup>6</sup> Sub-sections (4) and (5) were added by Mah. 11 of 2002, s. 33.

<sup>1</sup>[5A. (1) (a) In the seats to be filled in by election in a Corporation, there shall be seats reserved for persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women, as may be determined by the State Election Commissioner, in the prescribed manner ;

Reservation  
of seats.

(b) the seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a Corporation shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in the Corporation as the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in that Corporation area bears to the total population of that area and such seats shall be allotted by rotation to different electoral wards in a Corporation :

Provided that, <sup>2</sup>[one-half] of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes :

Provided further that, where only one seat is reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, then no seat shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes <sup>3\*</sup> \*.

(c) the number of seats to be reserved for persons belonging to the category of Backward Class of citizens shall be twenty-seven per cent. of the total number of seats to be filled in by election in a Corporation and such seats shall be allotted by rotation to different electoral wards in a Corporation ;

Provided that, <sup>4</sup>[one-half] of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens.

(d) <sup>5</sup>[one-half] (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the category of Backward Class of citizens) of the total number of seats to be filled in by direct election in a Corporation shall be reserved for women and such seats shall be allotted by rotation to different electoral wards in a Corporation ;

<sup>6</sup>[(e) Notwithstanding anything contained in clauses (a) to (d), the State Election Commissioner may, by an order, issue instructions for rotation of wards reserved for the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women in Corporations where the number of wards have changed after the general elections for whatever reasons.]

(2) The reservation of seats (other than the reservation for women) under clause (b) of sub-section (1), shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.]

<sup>1</sup> Section 5A was inserted by Mah. 41 of 1994, s. 49.

<sup>2</sup> These words were substituted for the words "one-third" by Mah. 20 of 2011, s. 3(1)(a).

<sup>3</sup> This portion was deleted, *ibid.*, s. 3(1)(b).

<sup>4</sup> These words were substituted for the words "one-third" *ibid.*, s. 3(2).

<sup>5</sup> These words were substituted for the words "one-third", *ibid.*, s. 3(3).

<sup>6</sup> This clause was added by Mah. 11 of 2002, s. 34.

Person  
contesting  
election for  
reserved seat  
to submit  
Caste  
Certificate  
and Validity  
Certificate.

<sup>1</sup>[**5B.** Every person desirous of contesting election to a seat 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.

2\* \* \*

Duration of  
Corporation.

<sup>3</sup>[**6.** (1) Every Corporation unless sooner dissolved shall continue for a period of five years from the date appointed for its first meeting and no longer.

(2) A Corporation constituted upon the dissolution of a Corporation before the expiration of its duration shall continue for the remainder of the period for which the dissolved Corporation would have continued under sub-section (1) had it not been so dissolved.]

Term of office  
of Councillors.

<sup>4</sup>[**6A.** The term of office of the Counillors shall be co-terminus with the duration of the Corporation.

Election to  
constitute a  
Corporation.

**6B.** An election to constitute a Corporation shall be completed,—

(a) before the expiry of its duration specified in sub-section (1) of section 6 ; or

(b) before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Corporation for such period.]

Resignation  
of office by  
Councillor.

**7.** Any Councillor may resign his office at any time by notice in writing to the Commissioner and, on such notice being given, his office shall become vacant as from the date of the notice.

**7-A1.** 5\* \* \* \* \*

<sup>1</sup> Section 5B was inserted by Mah. 35 of 2006, s. 4.

<sup>2</sup> Provisos were deleted by Mah. 13 of 2008, s. 3.

<sup>3</sup> Section 6 was substituted by Mah. 41 of 1994, s. 50.

<sup>4</sup> Sections 6A and 6B were inserted, *ibid.*, s. 51.

<sup>5</sup> Section 7A1 was deleted by Mah. 41 of 1994.

*Municipal Election Roll.*

<sup>1</sup>[7A. The Assembly roll for the time being in force, on such date as the State Election Commissioner may, by general or special order notify, shall be divided by the State Election Commissioner into different sections corresponding to the different wards in the City, and a printed copy of each section of the roll so divided and authenticated by the State Election Commissioner or an officer authorised by him, shall be the ward roll for each ward.] Preparation of Municipal Election roll.

<sup>2</sup>[7AA. \* \* \* \* \*

<sup>2</sup>[7AAA. \* \* \* \* \*

<sup>3</sup>[7B. Every person whose name is included in any ward roll shall be deemed to be enrolled in the municipal election roll.] Enrolment in municipal election roll.

*Qualifications and disqualifications of voters and councillors.*

<sup>4</sup>[8. Every person whose name is <sup>5</sup>[in a ward roll, shall be deemed to be entitled to vote at the ward election, and every person whose name is not in the said roll shall be deemed to be not entitled so to vote.] Persons qualified to vote.

<sup>6</sup>[8A. The voting at an election shall be by ballot or by electronic voting machine and no votes shall be received by proxy.] Manner of Voting.

9. (1) Subject to the provisions of this Act, <sup>7</sup>[a person who <sup>8</sup>[is not less than twenty-one years of age on the last date fixed for making nominations for any general election or bye-election and] is enrolled in the municipal election roll as a voter for award] shall be qualified to be a councillor and to be elected either from such ward or from any other ward. Qualification for election as councillor.

(2) Any person who ceases to be a councillor shall, if qualified under sub-section (1), be eligible for re-election as such.

10. (1) Subject to the provisions of sections 13, <sup>9</sup>\* and 404, a person shall be disqualified for being elected and for being a councillor, if such person— Disqualification for being a councillor.

Mah. XIII of 1971. 45 of 1860. <sup>10</sup>[(ai) has, at any time after the commencement of section 5 of the Maharashtra Municipal Corporations (Amendment) Act, 1970, been convicted of an offence punishable under section 153A or sub-section (2) or (3) of section 505 of the Indian Penal Code :

Provided that, such disqualification shall be for a period of six years from the date of such conviction ; ]

<sup>11</sup>[(aii) has been so disqualified by or under any law—

<sup>1</sup> Section 7A was substituted by Mah. 11 of 1996, s. 5.

<sup>2</sup> Section 7AA and 7AAA were deleted, *ibid.*, s. 6.

<sup>3</sup> Section 7B was substituted by Mah. 53 of 1973, s. 7.

<sup>4</sup> Section 8 was substituted for the original by Mah. 34 of 1965, s. 5.

<sup>5</sup> These words were substituted by Mah. 20 of 1980, s. 8.

<sup>6</sup> This section was inserted by Mah. 5 of 2005, s. 3.

<sup>7</sup> These words were substituted by Mah. 20 of 1980, s. 9.

<sup>8</sup> These words were inserted by Mah. 12 of 1990, s. 7.

<sup>9</sup> The figures "17" were deleted by Mah. 34 of 1965, s. 4.

<sup>10</sup> Clause (ai) was inserted by Mah. 13 of 1971, s. 5.

<sup>11</sup> Clauses (aii) and (a) were substituted for clause (a) by Mah. 41 of 1994, s. 55.

(i) for the time being in force for the purpose of elections to the Legislature of the State :

Provided that, no person shall be disqualified on the ground that he is less than twenty-five years of age, if has attained the age of twenty-one years ;

(ii) made by the Legislature of the State of Maharashtra; or

(a) has been convicted by a Court in India of any offence involving moral turpitude, unless a period of six years has elapsed since the date of such conviction ;or]

(b) is an undischarged insolvent;

(c) holds the office of Commissioner or any other office or place of profit under the Corporation ;

(d) is a licensed surveyor, architect or engineer, structural designer, clerk of works or plumber or a member of a firm of which any such licensed person is a member ;

(e) holds any judicial office with jurisdiction within the limits of the City;

(f) subject to the provisions of sub-section (2), has directly or indirectly by himself or his partner any share or interest in any contract or employment with, by or on behalf of the Corporation ;

(g) having been elected a councillor is retained or employed in any professional capacity either personally or in the name of a firm in which he is a partner or with whom he is engaged in a professional capacity in connection with any cause or proceeding in which the Corporation or the Commissioner or the Transport Manager is interested or concerned ; or

(h) fails to pay arrears of any kind due to the Corporation by him otherwise than as a trustee within three months after a special notice in this behalf has been served on him by the Commissioner.

<sup>1</sup>[(i) has more than two children:

Provided that, a person having more than two children on the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 1995 (hereinafter in this clause referred to as “ the date of such commencement”), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase :

Mah.  
XLIII  
of  
2000.

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be

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<sup>1</sup> Clause (i) was added by Mah. 43 of 2000, s. 3.

taken into consideration for the purpose of disqualification mentioned in this clause.

*Explanation.*—For the purposes of this clause,—

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity;

(ii) “child” does not include an adopted child or children.]

<sup>1</sup>[(j) is a Member of the State Legislature or of Parliament :

Provided that, nothing in this clause shall affect the membership of a sitting Councillor till the expiry of his current term of office as such Councillor :

Mah. Ord. XXXI of 2001. Provided further that, any action, taken by such Councillor during the period from the 7th October 2001 till the 20th October 2001, being the date of publication of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) (Amendment) Ordinance, 2001, shall be deemed to have been validly taken and shall not be challenged in any court of law only on the ground that during the said period he had incurred disqualification under this clause.]

<sup>2</sup>[(1-1A) If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification.]

Mah. XX of 1987. <sup>3</sup>[(1A) A person shall be disqualified for being a Councillor, if such person has, at any time during the term of his office, become disqualified, under the Maharashtra Local Authority Members' Disqualification Act, 1986 for being a Councillor.]

<sup>4</sup>[<sup>5</sup>\* \* \*

Mah. XXXVII of 1966. (1D) A Councillor shall be disqualified for being a Councillor, if such Councillor has constructed or constructs by himself, his spouse or his dependent, any illegal or unauthorised structure violating the provisions of this Act or the Maharashtra Regional and Town Planning Act, 1966 or the rules or bye-laws framed under the said Acts ; or has directly or indirectly been responsible for, or helped in his capacity as such Councillor in, carrying out such illegal or unauthorised construction or

<sup>1</sup> Clause (j) was inserted by Mah. 8 of 2002, s. 6.

<sup>2</sup> Sub-section (1-1A) was inserted by Mah. 32 of 2011, s. 16.

<sup>3</sup> Sub-section (1A) was inserted by Mah. 20 of 1987, s. 11, Sch.

<sup>4</sup> Sub-sections (1B), (1C) and (1D) were inserted by Mah. 11 of 2002, s. 35.

<sup>5</sup> Sub-sections (1B) and (1C) were deleted by Mah. 35 of 2006, s. 5.

has by written communication or physically obstructed or tried to obstruct, any Competent Authority from discharging its official duty in demolishing any illegal or unauthorised structure. Such disqualification shall be for the remainder of his term as a Councillor from the date of the declaration of such structure to be illegal or unauthorised by the concerned authority under the provisions of the said Acts or, as the case may be, from the date of commission of the act of interference or obstruction by the Councillor against the Competent Authority.]

<sup>1</sup>[(1E) If the State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure, the State Election Commission may, by order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(1F) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1E) or reduce the period of any such disqualification.]

(2) A person shall not be deemed to have incurred disqualification under clause (f) of sub-section (1) by reason only of his,—

(a) receiving a municipal pension ;

<sup>2</sup>[(aa) any relation being employed with by or on behalf of the Corporation, as an officer or servant thereof ;]

(b) having any share or interest in any lease, sale, exchange or purchase of land or any agreement for the same,—

(i) any lease, sale, exchange or purchase of land or any agreement for the same ;

(ii) any agreement for the loan of money or any security for the payment of money only ;

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted ;

(iv) any joint stock company or any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925\* which shall contract with or be employed by the Commissioner or the Transport Manager on behalf of the Corporation ;

(v) the occasional sale to the Commissioner or Transport Manager on behalf of the Corporation of any article in which he regularly trades to a value not exceeding in the aggregate in any one official year two thousand rupees ; or

(vi) the occasional letting out on hire to the Corporation or in the hiring from the Corporation of any article for an amount not exceeding in the aggregate in any one official year five hundred rupees ;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Corporation ; or

(d) receiving conveyance charges as a member of the Transport Committee.

<sup>1</sup> Sub-sections (1E) and (1F) were inserted by Mah. 12 of 2008, s. 3.

<sup>2</sup> Clause (aa) was inserted by Mah. 35 of 1967, s. 4.

\* See now the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961).

11. A Councillor shall cease to hold office as such if at any time during his term of office he—

Disabilities from continuing as Councillor.

(a) becomes disqualified for being a Councillor by reason of the provisions of section 10 ;

(b) absents himself during three successive months from the meetings of the Corporation, except from temporary illness or other cause to be approved by the Corporation ;

(c) absents himself from, or is unable to attend, the meetings of the Corporation during six successive months from any cause whatever, whether approved by the Corporation or not ;

(d) acts as a Councillor or as a member of any committee of the Corporation by voting on, or taking part in the discussion of, or asking any question concerning, any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in clause (b) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person.

12. (1) If any doubt or dispute arises whether a Councillor has ceased to hold office as such under section 11, such Councillor or any other Councillor may, and at the request of the Corporation, the Commissioner shall, refer the question to the Judge.

Questions as to disqualification to be determined by the Judge.

(2) On a reference being made to the Judge under sub-section (1), such Councillor shall not be deemed to be disqualified until the Judge after holding an inquiry in the manner provided by or under this Act determines that he has ceased to hold office.

<sup>1</sup>[13. (1) (a) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties, or of any disgraceful conduct, during his current term of office or immediately preceding term of office as a Councillor.

Liability of Councillors to removal from office.

(b) The State Government may, on the recommendation of the Corporation supported by the vote of not less than three-fourths of the whole number of Councillors, remove any Councillor from office, if such Councillor has, in the opinion of the State Government, become incapable of performing his duties as a Councillor.

(2) No resolution recommending the removal of a Councillor for the purposes of sub-section (1) shall be passed by a Corporation and no order shall be made by the State Government, unless the Councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation or order, as the case may be, should not be made :

Provided that, no order of removal of councillor shall be made by the State Government on its own motion, unless the Corporation is given one month's time for taking necessary action in the matter.

<sup>1</sup> Section 13 was substituted for the original by Mah. 3 of 2008, s. 4.

(3) In every case in which the State Government makes an order under sub-section (1), the Councillor shall be disqualified for being a Councillor, or from becoming a Councillor, or a Councillor or member of any other local authority, for a period of five years from such date as may be specified in such order, unless the State Government relieves him of the disqualification by an order which it is hereby empowered to make.

(4) If any doubt or dispute arises as to the removal and disqualification of a Councillor under this section, such Councillor may, and at the request of the Corporation, the Commissioner may, make reference to the Judge.]

*Election of Councillors.*

State  
Election  
Commissioner.

<sup>1</sup>[14. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporations shall vest in the State Election Commissioner.

(2) The State Election Commissioner may by order, delegate any of his powers and functions to any officer of the State Election Commission or any officer of the State Government not below the rank of Deputy Collector or any officer of the Corporation not below the rank of the Assistant Municipal Commissioner.

(3) All the officers and members of the staff appointed or deployed for preparation of electoral rolls and conduct of election of Corporations under this Act or the rules shall function under the superintendence, direction and control of the State Election Commissioner.

(4) Notwithstanding anything contained in this Act and the rules, the State Election Commissioner may issue such special or general orders or directions which may not be inconsistent with the provisions of the Act and the rules for fair and free elections.]

Power of State  
Election  
Commissioner  
to issue  
directions to  
prevent  
impersonation.

<sup>2</sup>[14A. The State Election Commissioner may, with a view to prevent impersonation of electors at the time of election, issue such directions, as he thinks fit to the presiding officers and such directions may include instructing the electors to produce, at the time of polling, the photo identity cards issued to them under the provisions of the Representation of the Peoples Act, 1951.] 43 of 1951.

Casual  
vacancies  
how to be  
filled.

15. (1) In the event of non-acceptance of office by a person elected to be a Councillor, or of the death, resignation, disqualification or removal of a Councillor during his term of office, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled as soon as conveniently may be, <sup>3</sup>\* \* \* \* \* by the election of a person thereto, who shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold it if the vacancy had not occurred :

Provided that, no election shall be held for the filling of a casual vacancy if general elections are due to be held within six months of the occurrence of the vacancy <sup>4</sup>\* \* \* \* \*.

<sup>1</sup> Section 14 was substituted by Mah. 41 of 1994, s. 56.

<sup>2</sup> New section 14A was inserted by Mah. 44 of 1994, s. 5.

<sup>3</sup> The portion beginning with the words "and, in any case" and ending with the words "as occurred" was deleted by Mah. 41 of 1994, s. 57(a).

<sup>4</sup> The words "or as the case may be, of the expiry of the date referred to in the second proviso" were deleted, *ibid*, s. 57(b).

1 \* \* \* \*

(2) The provisions of section 18 shall apply to an election held for the filling of a casual vacancy.

**16.** (1) If the qualification of any person declared to be elected a Councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the <sup>2</sup>[State Election Commissioner] of a nomination, or of the improper reception or refusal of a vote, or by reason of a material irregularity in the election proceedings, corrupt practice, or any other thing materially affecting the result of the election, any person enrolled in the municipal election roll may, at any time within ten days after the result of the election has been declared, submit an application to the Judge for the determination of the dispute or question.

Election  
Petitions.

(2) The <sup>3</sup>[State Election Commissioner] may, if it has reason to believe that an election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed by order in writing, authorise any officer <sup>4</sup>[of the Commission] to make an application to the Judge at any time within one month after the result of the election has been declared for declaration that the election of the returned candidate or candidates is void.

<sup>5</sup>[(2A) No election to any Corporation shall be called in question except by an election petition presented to the Judge referred to in sub-section (1) and no Judge other than the Judge referred to in sub-section (1) shall entertain any dispute in respect of such election.]

(3) The Judge shall decide the applications made under sub-section (1) or (2) after holding an inquiry in the manner provided by or under this Act.

*Explanations.*—For the purposes of this section—

(1) “*corrupt practice*” means one of the following practices, namely:—

(a) any gift, offer or promise by a candidate or his agent or by any person with the connivance of a candidate or his agent of any gratification, pecuniary or otherwise, to any person whomsoever, with the object, directly or indirectly of inducing a person to stand or not to stand as, or to withdraw from being, a candidate at an election or a voter to vote or refrain from voting at an election or as a reward to a person for having so stood or not stood or for having withdrawn his candidature or a voter for having voted or refrained from voting ;

(b) any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the

<sup>1</sup> The second proviso was deleted, by Mah. 41 of 1994, s. 57(c).

<sup>2</sup> These words were substituted for the word “Commissioner”, *ibid*, s. 58(a).

<sup>3</sup> These words were substituted for the word “State Government” by Mah. 41 of 1994, s. 58(b)(i).

<sup>4</sup> These words were inserted, *ibid*, s. 58 (b) (ii).

<sup>5</sup> Clause (2A) were inserted, *ibid*, s. 58 (c).

connivance of the candidate or his agent with the free exercise of any electoral right, including the use of threats of injury of any kind or the creation or attempt to create fear of divine displeasure or spiritual censure, but not including a declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with a legal right;

(c) the procuring or abetting or attempting to procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person whether living or dead or in a fictitious name or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other ward, he is not entitled to vote;

(d) the removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent;

(e) the publication by a candidate or his agent or by any other person with the connivance of the candidate or his agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election ;

(f) any acts specified in paragraphs (a), (b), (d) and (e) when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent;

(g) the application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or another ward, he is entitled not to vote; or

(h) the receipt of, or agreement to receive, any gratification of the kind described in paragraph (a) as a motive or reward for doing or refraining from doing any of the acts therein specified.

(2) a corrupt practice shall not be deemed to have been committed in the interests of a returned candidate if the Judge is satisfied that it was of a trivial and limited character which did not affect the result of the election, that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, that it was committed without the sanction or connivance or contrary to the orders of the candidate or his agents and that the candidate and his agents took all reasonable means for preventing the commission of corrupt practices at the election.

**17.** *Disqualification of voters for corrupt practice. [Deleted by Mah. 34 of 1965, s. 7.]*

**18.** (1) If at any general elections or an election held to fill a casual vacancy, no councillor is elected or an insufficient number of councillors are elected or the election of any or all of the councillors is set aside under this Act and there is no other candidate or candidates who can be deemed to be elected in his or their place, the <sup>1</sup>[State Election Commissioner] shall appoint another day for holding a fresh election and a fresh election shall be held accordingly.

Procedure if election fails or is set aside.

(2) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 15.

**19.** <sup>2</sup>[(1) The Corporation shall, subject to the provisions of sub-section (1A), at its first meeting after the general elections, elect from amongst the Councillors one of its number to be the Mayor and another to be the Deputy Mayor. The tenure of the Mayor and the Deputy Mayor shall be of two and a half years :

Mayor and Deputy Mayor.

Provided that, the term of the Mayors and the Deputy Mayors in office on the date of coming into force of the Maharashtra Municipal Corporations (Amendment) Act, 2000, shall be regulated as under,—

Mah. XXV of 2000.

(a) in case of the Corporations which have completed the first year of their term but have not yet completed two years since their first meeting after the general elections, the term of the Mayors and Deputy Mayors of such Corporations shall be two years each ;

(b) in all other cases, the term of the Mayors and Deputy Mayors who are in office on the said date shall be extended to, and be co-terminus with, the term of office of the elected Councillors :

Provided further that, the roster relating to the reservation of the office of the Mayor shall be deemed to have been amended to provide for the extended tenure of the Mayor.].

<sup>3</sup>[(1A) There shall be reservation for the office of the Mayor in the Corporation, by rotation, for the Scheduled Castes, the Scheduled Tribes, women and the Backward Class of citizens, in the prescribed manner.

<sup>4</sup>[(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 Classess and Special Backward Category (Regulation of Issuance and Verification of ) Caste Certificate Act, 2000.]

Mah. XXII of 2001.

<sup>1</sup> These words were substituted for the word “ Commissioner “ by Mah. 41 of 1994, s. 59.

<sup>2</sup> This sub-section was substituted by Mah. 25 of 2000, s. 3.

<sup>3</sup> Sub-section (1A) was inserted by Mah. 41 of 1994, s. 60 (b).

<sup>4</sup> Sub-section (1B) was inserted by Mah. 7 of 2009, s. 6.

(2) The Mayor and the Deputy Mayor shall hold office until a new Mayor and a new Deputy Mayor have been elected under sub-section (1) and, in a year in which general elections have been held, shall do so notwithstanding that they have not been returned as councillors on the results of the elections.

(3) A retiring Mayor or Deputy Mayor shall be eligible for re-election to either office.

(4) The Deputy Mayor may resign his office at any time by notice in writing to the Mayor and the Mayor may resign his office at any time by notice in writing to the Corporation.

(5) If any casual vacancy occurs in the office of Mayor or Deputy Mayor, the Corporation shall, as soon as convenient after the occurrence of the vacancy, choose one of its number to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it if the vacancy had not occurred.

<sup>1</sup>[(6) The Mayor or the Deputy Mayor may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or as the case may be, Deputy Mayor during the remainder term of his office :

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.]

Leader of House. <sup>2</sup>[**19-IA.** (1) An elected Councillor who is for the time being, the Leader of the Party having the greatest numerical strength and recognised as such by the Mayor shall be the Leader of the House.

*Explanation.*—When there are two parties in ruling having the same numerical strength, the Mayor shall, having regard to the status of the Party, recognise the Leader of any one of such parties to be the Leader of the House.

(2) There shall be paid to the Leader of the House such honoraria and allowances and other facilities as may be provided by regulations made in this behalf by the Corporation.

Leader of Opposition. **19-IAA.** (1) An elected Councillor who is, for the time being, the Leader of the Party in opposition, having greatest numerical strength and recognised as such by the Mayor, shall be the Leader of the Opposition.

<sup>1</sup> Sub-section (6) was added by Mah. 32 of 2011, s. 17.

<sup>2</sup> Sections 19-IA and 19-IAA were inserted by Mah. 11 of 2002, s. 36.

*Explanation.*— Where there are two or more parties in the opposition, having the same numerical strength, the Mayor shall, having regard to the status of the party, recognise the Leader of any one of such parties as a Leader of the Opposition for the purposes of this Act and such recognition shall be final and conclusive.

(2) There shall be paid to the Leader of the Opposition such honoraria and allowances and other facilities as may be provided by regulations made in this behalf by the Corporation.]

<sup>1</sup>[*Honoraria, fees and allowances.*

**19A.** (1) With the previous sanction of the State Government, the Corporation may pay each councillor such honoraria, fees or other allowances as may be prescribed by rules made by the Corporation under this section. Honoraria, fees or allowances.

<sup>2</sup>[(2) The Corporation shall place at the disposal of the Mayor annually, such amount as sumptuary allowance, as the State Government may, from time to time by an order, determine.]

(3) Notwithstanding anything contained in section 10, the receipt by a councillor of any honorarium, fee or allowance as aforesaid shall not disqualify any person for being elected or being a councillor.]

#### *Standing Committee.*

**20.** (1) The Standing Committee shall consist of<sup>3</sup>[sixteen] councillors. Constitution of Standing Committee.  
(2) The Corporation shall at its first meeting after general elections appoint <sup>3</sup> [sixteen] persons out of its own body to be members of the Standing Committee.

(3) One-half of the members of the Standing Committee shall retire every succeeding year at noon on the first day of the month in which the first meeting of the Corporation mentioned in sub-section (2) was held:

Provided that all the members of the Standing Committee in office when general elections are held shall retire from office on the election of a new Committee under sub-section (2).

(4) The members who shall retire under sub-section (3) one year after their election under sub-section (2) shall be selected by lot at such time previous to the date for retirement specified in sub-section (3) and in such manner as the Chairman of the Standing Committee may determine, and in succeeding years the members who shall retire under this section shall be those who have been longest in office :

Provided that, in the case of a member who has been reappointed, the term of his office for the purposes of this sub-section shall be computed from the date of his reappointment.

(5) The Corporation shall at its meeting held in the month preceding the date of retirement specified in sub-section (3) appoint fresh members of the Standing Committee to fill the offices of those who are due to retire on the said date.

(6) Any Councillor who ceases to be a member of the Standing Committee shall be eligible for reappointment.

<sup>1</sup> This heading and section 19A were inserted by Bom. 80 of 1958, s. 2.

<sup>2</sup> Sub-section (2) was substituted by Mah. 12 of 1993, s. 12.

<sup>3</sup> This word was substituted for the word " twelve " by Mah. 21 of 1992, s. 15.

Appointment  
of  
Chairman  
of Standing  
Committee.

**21.** (1) The Standing Committee shall at its first meeting after its appointment under sub-section (2) of section 20 and at its first meeting in the same month in each succeeding year appoint one of its own number to be the Chairman.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be eligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be a member of the Committee.

(4) If any casual vacancy occurs in the office of the Chairman, the Standing Committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of its number to fill such vacancy and every Chairman so appointed shall continue in office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

<sup>1</sup>[(5) If for any reason the Standing Committee does not appoint the Chairman under sub-section (1) or (4), within a period of thirty days from the date of its appointment under sub-section (2) of section 20, or from the date following the date of retirement of one-half of the members specified in sub-section (3) of that section, or from the date on which a casual vacancy occurs in the office of Chairman, as the case may be, the appointment of the Chairman, after the expiry of the said period, shall be made by the Corporation, from amongst the members of the Standing Committee, at a special meeting called and held for the purpose within fifteen days from the expiry of the said period of thirty days. At such meeting, the question shall be decided by a majority of votes of the Councillors present and voting and if there be an equality of votes, the presiding authority shall have and exercise a second or casting vote. Every Chairman so appointed, shall continue in office so long only as the Chairman appointed by the Standing Committee would have continued in office.]

Member of  
Standing  
Committee  
absenting  
himself from  
meetings to  
vacate seat.

**22.** Any member of the Standing Committee who absents himself during two successive months from the meetings of the Committee, except on account of temporary illness or other cause to be approved by the Committee, or absents himself from, or is unable to attend, the meetings of the Committee during four successive months from any cause whatever, whether approved by the Committee or not, shall cease to be a member of the Standing Committee and his seat shall thereupon be vacant.

Casual  
vacancies in  
standing  
Committee  
how to be  
filled.

**23.** In the event of non-acceptance of office by a councillor appointed to be a member of the Standing Committee or of the death or resignation of a member of the said Committee or of his becoming incapable of acting previous to the expiry of his term of office or of his seat becoming vacant under section 22 or on his ceasing to be a councillor, the vacancy shall be filled up, as it soon as it conveniently may be, by the appointment

<sup>1</sup> Sub-section (5) was inserted by Mah. 32 of 1968, s. 2.

of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

**24.** (1) The Standing Committee may, from time to time, by a resolution carried by the vote of at least two-thirds of its members present at the meeting, delegate to any Special Committee appointed under section 30 any of its powers and duties in respect of any matter with which such Special Committee is competent to deal, or refer to any such Committee any such matter for disposal or report, and every such Special Committee shall conform to any instructions that may from time to time be given to it by the Standing Committee in this behalf:

Standing Committee may delegate powers to Special Committee or Sub-Committee.

Provided that every such resolution shall be reported by the Standing Committee to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution.

(2) The Standing Committee may, subject to the rules, by a specific resolution in this behalf delegate any of its powers and duties to sub-committees consisting of such members of the Standing Committee not less in number than three as the Standing Committee thinks fit and every such sub-committee shall conform to any instructions that may from time to time be given to it by the Standing Committee.

#### *The Transport Committee.*

**25.** (1) In the event of the Corporation acquiring or establishing a Transport Undertaking there shall be a Transport Committee consisting of <sup>1</sup>[thirteen] members for the purpose of conducting the said undertaking in accordance with the provisions of this Act and subject to the conditions and limitations as are contained therein.

Appointment of Transport Committee.

(2) The Corporation shall at its first meeting after a Transport Undertaking is acquired or established appoint <sup>2</sup>[twelve] members of the Transport Committee from among persons who in the opinion of the Corporation have had experience of, and shown capacity in, administration or transport or in engineering, industrial, commercial, financial or labour matters and who may or may not be councillors.

(3) A person shall be disqualified for being appointed, and for being, a member of the Transport Committee if, under the provisions of this Act or any other law for the time being in force, he would be disqualified for being elected as, and for being, a councillor.

(4) The Chairman of the Standing Committee shall be a member of the Transport Committee *ex-officio*.

(5) One-half of the members of the Transport Committee appointed by the Corporation shall retire in every second year on the first day of the month in which the meeting referred to in sub-section (2) was held :

<sup>3</sup> [Provided that, in the case of a councillor appointed a member of the Transport Committee, if at any time before the date of his retirement he ceases to be a councillor, he shall cease to be such member, and his office shall thereupon become vacant. The vacancy shall be filled in accordance with the provisions of sub-section (9), as if it had occurred under section 26.]

<sup>1</sup> This word was substituted for the word "nine" by Mah. 21 of 1992, s. 16 (a).

<sup>2</sup> This word was substituted for the word "eight", *ibid*, s. 16 (6).

<sup>3</sup> This proviso was added by Mah. 13 of 1971, s. 7.

(6) The members who shall retire two years after their appointment under sub-section (2) shall be selected by lot at such time previous to the first day of the month immediately preceding the date of their retirement and in such manner as the Chairman of the Transport Committee shall determine; thereafter the members of the Transport Committee who shall retire shall be the members who were longest in office :

Provided that in the case of a member who has been reappointed, the term of his office for the purpose of this sub-section shall be computed from the date of his reappointment.

(7) Vacancies caused by the retirement of members under sub-section (5) shall be filled by the appointment by the Corporation of duly qualified persons thereto at its ordinary meeting in the month immediately preceding the occurrence of the vacancies :

Provided that in a year in which general elections of councillors are held, such vacancies shall be filled by the Corporation at its first meeting after such elections if such meeting is due to be held within three months of the occurrence of the vacancies and, in such event, the members who would under sub-section (5) have retired on the date specified therein shall continue to be in office until new members have been appointed under this sub-section.

(8) A retiring member shall be eligible for re-appointment.

(9) In the event of non-acceptance of office by any person appointed to be a member of the Transport Committee or of the death, resignation or disqualification of a member of the Committee or of his becoming incapable of acting, or of his office becoming vacant under the provisions of section 26, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the Corporation of a duly qualified person thereto, and such person shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

Disqualification  
of members  
of Transport  
Committee.

**26.** (1) Any person who, having been appointed a member of the Transport Committee,—

(a) becomes disqualified for being a member of the Committee under the provisions of sub-section (3) of section 25, or

(b) acts as a member of the Committee by voting or taking part in the discussion of or asking any question concerning any matter in which he has directly or indirectly, by himself or his partner, any such share or interest as is described in clause (b) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person, or

(c) absents himself during two successive months from the meetings of the Committee except from temporary illness or other cause to be approved by the Committee, or

(d) absents himself from or is unable to attend the meetings of the Committee during four successive months from any cause whatsoever, whether approved by the Committee or not,

shall cease to be a member of the Committee and his office shall thereupon become vacant.

(2) If any doubt or dispute arises whether a vacancy has occurred under sub-section (1) the Commissioner shall, at the request of the Corporation, refer the question to the Judge.

**27.** (1) The Transport Committee shall at its first meeting after its appointment under sub-section (2) of section 25 and at its first meeting in the same month in each succeeding year appoint <sup>1</sup>[one of its members] to be the Chairman. Chairman of Transport Committee.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be eligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be a member of the Committee.

(4) In the event of the office of Chairman falling vacant previous to the expiry of his term the Committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint <sup>2</sup>[one of its members] to fill such vacancy and the Chairman so appointed shall hold office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

**28.** The Chairman and members of the Transport Committee shall be paid such conveyance charges for attending meeting of the Committee as may be prescribed by rules. Conveyance charges for attendance at meetings of Transport Committee.

**29.** (1) The Transport Committee may from time to time appoint out of its own body sub-committees consisting of such number of persons as the Committee thinks fit. Sub-committees of Transport Committee.

(2) The Committee may by specific resolution carried by the vote of at least two-thirds of its number present at the meeting delegate any of its powers and duties to a sub-committee and may also by a like resolution define the sphere of business of such sub-committee.

(3) The Committee may refer to a sub-committee appointed under sub-section (1) for inquiry and report or for opinion any matter with which the Committee is competent to deal.

<sup>3</sup>[Wards Committees.

**29A.** (1) In every City, there shall be constituted Wards Committees comprising such contiguous electoral wards as may be decided by the Corporation, in accordance with following table :— Constitution of Wards Committees.

TABLE			
Population	Minimum Number of Wards Committees	Additional Wards Committees for Additional Population	Maximum Number of Wards Committees
Above 3 lakhs and upto 4.5 lakhs	3	...	4
Above 4.5 lakhs and upto 12 lakhs	4	1,50,000	9
Above 12 lakhs and upto 24 lakhs	9	3,00,000	13
Above 24 lakhs	13	6,00,000	25

<sup>1</sup> These words were substituted for the words "one of its number" by Mah. 41 of 1994, s. 61(a).

<sup>2</sup> These words were substituted for the words "one of its number" *ibid*, s. 61 (b).

<sup>3</sup> The sub-heading and section 29A was inserted, *ibid*, s. 62.

(2) Each Wards Committee shall consist of—

(a) the councillors representing the electoral wards within the territorial area of the Wards Committee ;

(b) the officer incharge of the territorial area of the Wards Committee ;

(c) such number of other members not exceeding three, nominated by the Councillors referred to in clause (a) from amongst the members of recognised Non-Government Organisations and Community based organisations engaged in social welfare activities working within the area of the Wards Committee :

Provided that, such persons are registered as electors in the wards within the jurisdiction of the Wards Committee :

Provided further that, the norms for recognition of the Non-Government Organisations, the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the State Government may prescribe.

(3) The duration of the Wards Committees shall be co-terminus with the duration of the Corporation.

(4) The elected Councillors referred to in clause (a) of sub-section (2) shall at the first meeting of the Wards Committee in each official year, elect from amongst themselves the Chairperson who shall hold office until the first meeting in the next following official year.

(5) The Chairperson of the Wards Committee shall be deemed to have vacated the office as soon as he ceases to be a Councillor.

(6) In the event of the office of the Chairperson falling vacant before the expiry of its term, the Wards Committee shall elect a new Chairperson:

Provided that the Chairperson so elected shall hold office so long only as the Chairperson in whose place he is elected would have held the office if such vacancy had not occurred.

(7) The functions of the Wards Committee shall subject to the general supervision and control of the Corporation, be—

(a) the speedy redressal of common grievances of citizens, connected with local and essential municipal services like water-supply, drainage, sanitation and storm water disposal;

(b) to consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of account of the budget before being forwarded to the Commissioner;

(c) to grant administrative approval and financial sanction to the plans for municipal works to be carried out within the territorial area of the Wards Committee costing upto rupees five lakhs, provided that specific provision exists therefor in the budget sanctioned by the Corporation.

(8) Notwithstanding anything contained in sub-section (7), the Corporation may, by resolution, delegate to a Wards Committee such other functions as it may deem fit and expedient.

(9) The Wards Committee shall meet at least once in every month at its Ward Office.]

*Special and Ad hoc Committees.*

**30.** (1) The Corporation may from time to time appoint out of its own body, Special Committees <sup>1</sup>[including the Women and Child Welfare Committee] which shall conform to any instructions that the Corporation may from time to time give them. Special Committees of the Corporation.

<sup>2</sup>[(1A) On the Women and Child Welfare Committee not less than seventy-five per cent. of the members shall be from amongst women Councillors.

*Explanation.*—For the purpose of computing the number of members at seventy-five per cent. fraction, if any, shall be rounded off to one.]

(2) The Corporation may by a specific resolution passed by the vote of not less than two-thirds of the Councillors present and voting at a meeting of the Corporation define the sphere of business of each Special Committee and direct that all matters and questions included in any such sphere shall in the first instance be placed before the appropriate Committee and shall be submitted to the Corporation with such Committee's recommendation ; and the Corporation may also by a like resolution delegate of its powers and duties to specified Special Committees.

(3) Every Special Committee shall appoint two of its number to be its Chairman and Deputy Chairman :

Provided that no Councillor shall, at the same time, be the Chairman of more than one Special Committee :

<sup>3</sup>[Provided further that, the Chairperson and the Deputy Chairperson on the Women and Child Welfare Committee shall be from amongst the women Councillor members thereof.]

(4) The Chairman and in his absence the Deputy Chairman and, in the absence of both, such other member as may be chosen by the members of the Special Committee present at a meeting thereof shall preside at the meeting.

(5) Any member of a Special Committee who absents himself during two successive months from the meeting of such Committee, except on account of temporary illness or other cause to be approved by such Committee, or absents himself from or is unable to attend the meetings of such Committee during four successive months from any cause whatever, whether approved by such Committee or not, shall cease to be a member of such Committee and his seat shall thereupon be vacant.

<sup>1</sup> These words were inserted by Mah. 21 of 1992, s. 17(a).

<sup>2</sup> Sub-section (1A) was inserted, *ibid.*, s. 17(b).

<sup>3</sup> This proviso was inserted by Mah. 21 of 1992, s. 17(c).

(6) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation :

Provided that if, in delegating any of its powers or duties to a Special Committee under sub-section (2), the Corporation directs that decision of such Committee shall be final, then so much of the proceedings of such Committee as relates to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least half the total number of members of such Committee :

Provided further that any Special Committee may by a resolution supported by at least half the whole number of members direct that action be taken in accordance with the decision of such Committee without waiting for confirmation of its proceedings by the Corporation, where such confirmation is required, if such Committee considers that serious inconvenience would result from delay in taking such action ; but if the Corporation does not subsequently confirm the proceedings of such Committee such steps as may still be practicable shall be taken without delay to carry out the orders of the Corporation.

(7) The Corporation may at any time dissolve or alter the constitution of a Special Committee.

(8) The constitution of Special Committees and the conduct of business at meetings of such Committees, the keeping of minutes and the submission of reports and other matters before such Committees shall be regulated by rules.

Appointment  
of *Ad hoc*  
Committees.

**31.** (1) The Corporation may from time to time appoint out of its own body such *ad hoc* Committees consisting of such number of councillors as it shall think fit, and may refer to such Committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as it shall think fit, and direct that the report of any such Committee shall be submitted through the Standing Committee or a Special Committee constituted under section 30.

(2) An *ad hoc* Committee appointed under sub-section (1) may, with the previous sanction of the Corporation, co-opt not more than two persons who are not councillors but who in the opinion of the Committee possess special qualifications for serving thereon :

<sup>1</sup>[Provided that such persons shall not be eligible to be elected as the Chairperson of such Committee and shall not have the right to vote at any meeting of the Committee.]

Appointment  
by  
nomination  
on  
Committees  
to be by  
proportional  
representation.

<sup>2</sup>**31A.** (1) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, in the case of the following Committees, except where it is provided by this Act, that the appointment of a Councillor to any Committee shall be by virtue of his holding any office, appointment of Councillors to these Committees, whether in regular or casual vacancies, shall be made by the Corporation by

<sup>1</sup> This proviso was added by Mah. 41 of 1994, s. 63.

<sup>2</sup> Section 31A was inserted by Mah. 11 of 2007, s. 6.

nominating Councillors in accordance with the provisions of sub-section (2) :—

- (a) Standing Committee ;
- (b) Transport Committee ;
- (c) Any special Committee appointed under section 30 ;
- (d) Any *ad hoc* Committee appointed under section 31.

(2) In nominating the Councillors on the Committee, the Corporation shall take into account the relative strength of the recognised parties or registered parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties or groups in the Corporation, after consulting the Leader of the House, the Leader of Opposition and the leader of each such party or group :

<sup>1</sup>[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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Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local authority Members' Disqualification Act, 1986, within a period of one month from the date of notification of election results, form the *aghadi* or front and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as if it is a registered pre-poll *aghadi* or front.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final.]

#### *Joint Committees.*

**32.** (1) The Corporation may from time to time join with a local authority or with a combination of local authorities,—

- (a) in appointing a joint committee out of their respective bodies for any purpose in which they are jointly interested, and in appointing a chairman of such committee ;

Joint  
transactions  
with other  
local  
authorities.

<sup>1</sup> This proviso was substituted by Mah. 17 of 2012, s. 11.

(b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by any of such bodies ; and

(c) in framing and modifying rules for regulating the proceedings of any such committee in respect of the purpose for which the committee is appointed.

(2) Where the Corporation has requested the concurrence of any other local authority under the provisions of sub-section (1) in respect of any matter and such other local authority has refused to concur, the <sup>1</sup>[State] Government may pass such orders as it deems fit requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid and such other local authority shall comply with such orders.

(3) If any difference of opinion arises between the Corporation and any other local authority which has joined the Corporation under this section, the matter shall be referred to the <sup>1</sup>[State] Government whose decision thereupon shall be final and binding :

Provided that, if the local authority concerned is a cantonment authority, any such decision shall not be binding unless it is confirmed by the Central Government.

(4) The Corporation may from time to time <sup>2</sup>[in the case of any cantonment authority with the sanction of the State Government and the Officer Commanding-in-Chief, the Command and in other cases] with the sanction of the <sup>1</sup>[State] Government enter into an agreement with a local authority or with a combination of local authorities for the levy of octroi or tolls <sup>3</sup>[or a tax on vehicles, boats or animals] by the Corporation on behalf of the bodies so agreeing and, in that event, the provisions of this Act shall apply in respect of such levy as if the area of the City were extended so as to include the area or areas subject to the control of such local authority or such combination of local authorities.

<sup>4</sup>[(5) When any agreement such as is referred to in sub-section (4) has been entered into, then the total of the collection of such octroi, toll or tax made in the City and in the area or areas ordinarily subject to the control of such other local authority or authorities and the costs thereby incurred shall be divided between the Municipal Fund and the fund or funds subjects to the control of such other local authority or authorities, as the case may be, in such proportion as may have been determined by the agreement.]

<sup>1</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>2</sup> These words were inserted by Bom. 5 of 1958, s. 2(1) (a).

<sup>3</sup> These words were inserted, *ibid.*, s. 2(1) (b).

<sup>4</sup> This sub-section was added, *ibid.*, s. 2(2).

*Provisions regarding validity of proceedings.*

**33.** No act or proceedings of the Corporation or of any committee or sub-committee appointed under this Act shall be questioned on account of any vacancy in its body.

Vacancy in Corporation, etc., not to invalidate its proceedings.

**34.** No disqualification of, or defect in, the election or appointment of any person acting as a Councillor, as the Mayor or the Deputy Mayor or the presiding authority of the Corporation or as the Chairman or a member of any Committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the Corporation or of any such Committee or sub-committee, as the case may be, in which such person has taken part, provided the majority of the persons who were parties to such act or proceedings were entitled to act.

Proceedings of Corporation, etc., not vitiated by disqualification, etc., of members thereof.

**35.** Until the contrary is proved, every meeting of the Corporation or of a Committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act or the rules shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified ; and where the proceedings are proceedings of a Committee or sub-committee, such Committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

Proceedings of meetings to be good and valid until contrary is proved.

<sup>1</sup>[ **35A.** If, any committee or special committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the Corporation until such committee is constituted or in a position to exercise its powers or discharge its duties.

Exercise of powers and discharge of duties of any committee by Corporation.

**35B.** The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Chairman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Removal of Chairman and Deputy Chairman of Committees.

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under the provisions of this section shall not affect his continuance as a Councillor for the remainder term of his office. ]

<sup>1</sup> Sections 35A and 35B were inserted by Mah. 32 of 2011, s. 18.

*The Municipal Commissioner.*

Appointment  
of the  
Commissioner.

**36.** (1) The Commissioner shall from time to time be appointed by the <sup>1</sup>[State] Government.

(2) The Commissioner shall in the first instance hold office for such period not exceeding three years as the <sup>1</sup>[State] Government may fix and his appointment may be renewed from time to time for a period not exceeding three years at a time.

(3) Notwithstanding the provisions of sub-section (2) the Commissioner may at any time, if he holds a lien on the service of the <sup>2</sup>[Government], be recalled to such service <sup>3</sup>\* \* \* and may further at any time be removed from office by the <sup>1</sup>[State] Government for incapacity, misconduct or neglect of duty and shall forthwith be so removed if at a meeting of the Corporation not less than five-eighths of the whole number of councillors vote in favour of a resolution requiring his removal.

Salary of  
Commissioner.

**37.** (1) The Commissioner shall receive from the Municipal Fund such monthly salary and allowances as the <sup>1</sup>[State] Government may from time to time after consultation with the Corporation determine :

Provided that the salary of the Commissioner shall not be altered to his disadvantage during the period for which his appointment has been made or renewed.

(2) The Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other law for the time being in force and shall not engage in any other profession, trade or business whatsoever :

Provided that he may with the sanction of the Corporation serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

(3) When a salaried servant of the <sup>2</sup>[Government] is appointed as the Commissioner such contribution to his pension, leave and other allowances as may be required by the conditions of his service under the <sup>2</sup>[Government] to be made by him or on his behalf shall be paid to the <sup>1</sup>[State] Government from the Municipal Fund.

Grant of  
leave of  
absence to  
Commissioner  
and leave  
allowance.

**38.** (1) The <sup>1</sup>[State] Government may from time to time with the assent of the Standing Committee grant leave of absence to the Commissioner for such period as it thinks fit.

<sup>1</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>2</sup> This word was substituted for the word " Crown ", *ibid.*

<sup>3</sup> The words " after consultation with the Corporation " were deleted by Mah. 12 of 1993, s. 13.

(2) The allowances to be paid to the Commissioner while absent on leave shall be of such amount, not exceeding his salary, as shall be fixed by the <sup>1</sup>[State] Government and shall, unless the Commissioner is a salaried servant of the <sup>2</sup>[Government], be paid from the Municipal Fund :

Provided that, if the Commissioner is a salaried servant of the <sup>2</sup>[Government] the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the <sup>2</sup>[Government] of his class.

**39.** During the absence on leave or other temporary vacancy in the office of the Commissioner, the <sup>1</sup>[State] Government may appoint a person to act as the Commissioner and every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force on the Commissioner and shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is liable and shall receive such monthly salary not exceeding the salary for the time being payable to the Commissioner as the <sup>1</sup>[State] Government shall determine.

Appointment and remuneration of acting Commissioner.

<sup>3</sup>**39A.** (1) The State Government may create one or more posts of Additional Municipal Commissioners in the Corporation and appoint suitable persons on such posts, who shall, subject to the control of the Commissioner, exercise all or any of the powers and perform all or any of the duties and functions of the Commissioner.

Appointment of Additional Municipal Commissioners.

(2) Every person so appointed as the Additional Municipal Commissioner shall be subject to the same liabilities, restrictions and terms and conditions of service, to which the Commissioner is subjected to as per the provisions of this Act.]

#### *Transport Manager*

**40.** (1) In the event of the Corporation acquiring or establishing a Transport Undertaking the Corporation shall, subject to the approval of the <sup>1</sup>[State] Government, appoint a fit person to be the Transport Manager of the Transport Undertaking.

Appointment of Transport Manager.

(2) The Transport Manager shall receive such monthly salary and allowances as the Corporation shall from time to time, with the approval of the <sup>1</sup>[State] Government determine:

Provided that the salary of the Transport Manager shall not be altered to his disadvantage during his period of office.

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> This word was substituted for the word "Crown", *ibid.*

<sup>3</sup> Section 39A was inserted by Mah. 32 of 2011, s.19.

Leave of  
Transport  
Manager.

41. (1) Leave of absence may be granted from time to time to the Transport Manager by the Transport Committee with the assent of the Corporation.

(2) The allowance to be paid to the Transport Manager whilst so absent on leave shall be of such amount, not exceeding the amount of his salary, as shall be fixed by the Corporation.

(3) During the absence on leave or other temporary vacancy in the office of the Transport Manager the Transport Committee, with the assent of the Corporation, may appoint a person to act as Transport Manager; every person so appointed shall exercise the powers and perform the duties conferred and imposed on the Transport Manager and shall be subject to the same liabilities, restrictions and conditions to which the Transport Manager is liable and shall receive such monthly salary, not exceeding the salary for the time being payable to the Transport Manager, as the Corporation shall determine.

*Disqualifications of the Commissioner.*

Commissioner  
not to be  
interested in  
any <sup>4</sup>[contract]  
with  
Corporation.

42. (1) No person shall be qualified to be appointed or to be the Commissioner if he has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the Corporation <sup>1</sup>\* \* \*.

(2) Any Commissioner who shall acquire, directly or indirectly by himself or his partner, any share or interest in any such contract <sup>2</sup>\* \* as aforesaid shall cease to be Commissioner and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract <sup>3</sup>\* \* with, by or on behalf of the Corporation as, under sub-clause (ii) or (iv) of clause (b) of sub-section (2) of section 10 it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

<sup>1</sup> The words "in any employment with, by or on behalf of the Corporation other than a Commissioner" were deleted, by Mah. 42 of 1977, s. 6(a).

<sup>2</sup> The words "or employment" were deleted, *ibid.*, s. 6(b).

<sup>3</sup> The words "or employment" were deleted, *ibid.*, s. 6(c).

<sup>4</sup> These words were substituted for the words "Contract etc.", *ibid.*, s. 6(d).

## CHAPTER III.

PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT  
COMMITTEE AND OTHER BODIES.

**43.** (1) The meetings of the Corporation, the Standing Committee, <sup>1</sup>[the Wards Committees], the sub-committees of the Standing Committee, the Transport Committee, the sub-committees of the Transport Committee, Special Committees and *ad-hoc* Committees shall be held and the business before them shall be disposed of in the manner prescribed by rules :

Proceedings  
of the  
Corporation,  
Standing  
Committee,  
etc.

<sup>2</sup>[Provided that the Councillors nominated under clause (b) of sub-section (2) of section 5 shall, notwithstanding anything contained in this Act including the Schedule, not have the right to vote at any meeting of the Corporation.]

<sup>3</sup>(2) The Commissioner or an officer not below the rank of the Deputy Commissioner present on behalf of the Commissioner shall have the right to speak at, and otherwise take part in, any meeting of the Corporation or any Committee thereof and express his views in the meeting with the permission of the Mayor or the presiding authority of the Committee, but he shall not be entitled to vote or to make any proposition.]

(3) The Corporation may require any of its officers to attend any meeting or meetings of the Corporation at which any matter dealt with by such officer in the course of his duties is being discussed; when any officer is thus required to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the Corporation may require.

(4) The Commissioner shall have the same right of being present at a meeting of the Standing Committee or of a sub-committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting.

(5) The Commissioner and in his absence the Deputy or Assistant Commissioner authorised by the Commissioner in this behalf and the Transport Manager and in his absence any officer authorised by the Transport Manager in this behalf shall have the same right of being present at a meeting of the Transport Committee or of a sub-committee and of taking part in the discussion thereat as a member of the said committee, but shall not be at liberty to vote upon or make any proposition at such meeting.

**44.** A councillor may, subject to the conditions prescribed by rules, ask questions on any matter relating to the administration of this Act or the municipal government of the City.

Right to ask  
questions.

<sup>1</sup> These words were inserted by Mah. 41 of 1994, s. 64 (a).

<sup>2</sup> The proviso was added, *ibid.*, s. 64(b).

<sup>3</sup> Sub-section (2) was substituted by Mah. 32 of 2011, s.20.

## CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS—THEIR APPOINTMENT AND  
CONDITIONS OF SERVICE.

*City Engineer, Medical Officer of Health, Municipal Chief Auditor,  
Municipal Secretary, Deputy Municipal Commissioner and  
Assistant Municipal Commissioner.*

Appointment  
of City  
Engineer,  
etc.

**45. (1)** The Corporation shall from time to time appoint fit persons to be City Engineer, Medical Officer of Health <sup>1</sup>\* \* and Municipal Secretary.

(2) The Corporation may from time to time with the approval of the <sup>2</sup>[State] Government create an appointment of Deputy Municipal Commissioner or an appointment of Assistant Municipal Commissioner or so many such appointments as it considers necessary, and may appoint a fit person or fit persons to such appointments.

(3) An officer appointed under this section shall have such qualifications as may be prescribed under the rules and shall receive such monthly salary and allowances as the Corporation may with the approval of the <sup>2</sup>[State] Government from time to time fix:

Provided that the salary of no officer shall be altered to his disadvantage during his period of office.

(4) Every appointment made under this section excepting an appointment of Municipal Secretary shall be subject to confirmation by the <sup>2</sup>[State] Government and any officer whose appointment the <sup>2</sup>[State] Government refuses to confirm shall be removed from office forthwith.

(5) On the occurrence of vacancy in any office specified in this section an appointment shall be made thereto by the Corporation within four months from the date on which the vacancy occurred or, in the event of the removal of an officer under sub-section (4), within thirty days of the receipt by the Corporation of the order of the <sup>2</sup>[State] Government.

(6) In default of an appointment being made by the Corporation under sub-section (5), the <sup>2</sup>[State] Government may appoint a fit person to fill the vacancy and such appointment shall for all purposes be deemed to have been made by the Corporation.

(7) Pending the settlement of an appointment under sub-section (1) or sub-section (5), the Corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary and allowances not exceeding the maximum fixed under sub-section (3) for the time being as it thinks fit:

Provided that no such appointment shall extend beyond or be made after a lapse of six months from the date on which the vacancy occurs.

<sup>1</sup> The words “, Municipal Chief Auditor” were deleted by Mah. 12 of 2011, s.4.

<sup>2</sup> This word was substituted for the word “Provincial” by the Adoption of Laws order, 1950.

<sup>1</sup>[45A. On and from the 10th March 2011, being the date of commencement of section 5 of the Maharashtra Municipal Corporations (Amendment) Act, 2011, the State Government, shall appoint, on deputation, a suitable officer, not below the rank of the Deputy Director from the Maharashtra Finance and Accounts Services to be the Municipal Chief Auditor on such terms and conditions, as may be prescribed:

Mah.  
XII of  
2011.

Appointment  
of Municipal  
Chief  
Auditor.

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 10th March 2011 being the date of commencement of section 5 of the Maharashtra Municipal Corporations (Amendment) Act, 2011.].

Mah.  
XII of  
2011.

<sup>2</sup>[45B. (1) Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under any Corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government, for this purpose :

Power of  
State  
Government  
to notify  
post to be  
filled in by  
deputation.

Provided that, every such notification shall be laid before each House of the State Legislature, after it is issued.

(2) Every notification issued under sub-section (1) specifying the posts or class of posts, shall contain the description of the cadre of officers (hereinafter referred to as “the feeder cadre”), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the concerned Corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the Corporation, on the date of issuing the notification under sub-section (1)].

46. The City Engineer and the Medical Officer of Health shall perform such duties as they are directed by or under this Act to perform and such other duties as may be required of them by the Commissioner.

Powers and  
duties of  
City  
Engineer  
and Medical  
Officer of  
Health.

<sup>1</sup> Section 45A was inserted by Mah. 12 of 2011, s. 5.

<sup>2</sup> Section 45B was inserted by Mah. 40 of 2011, s. 3.

Powers and  
duties of  
Municipal  
Chief  
Auditor.

**47.** (1) The Municipal Chief Auditor shall—

(a) perform such duties as he is directed by or under this Act to perform and such other duties with regard to the audit of the accounts of the Municipal Fund <sup>1</sup>[the Water and Sewage Fund and the Consolidated Water supply and Sewage Disposal Loan Fund] as shall be required of him by the Corporation or by the Standing Committee and with regard to the audit of the accounts of the Transport Fund as shall be required of him by the Transport Committee;

(b) prescribe, subject to such directions as the Standing Committee may from time to time give, the duties of the auditors and assistant auditors, clerks and servants immediately subordinate to him; and

(c) subject to the orders of the Standing Committee, exercise supervision and control over the acts and proceedings of the said auditors, assistant auditors, clerks and servants and, subject to the regulations, dispose of all questions relating to the service, remuneration and privileges of the said auditors, assistant auditors, clerks and servants.

(2) The Municipal Chief Auditor shall not be eligible for further office under the Corporation after he has ceased to hold his office.

Powers and  
duties of  
Municipal  
Secretary.

**48.** The Municipal Secretary shall be the Secretary of the Corporation and also of the Standing Committee and shall—

(a) perform such duties as he is directed by or under this Act to perform and such other duties in and with regard to the Corporation and the Standing Committee as shall be required of him by those bodies respectively;

(b) have the custody of all papers and documents connected with the proceedings of—

(i) the Corporation and any Committee appointed by the Corporation under section 30 or 31,

(ii) the Standing Committee and any sub-committee thereof;

(c) prescribe, subject to such directions as the Standing Committee may from time to time give, the duties of the officers and servants immediately subordinate to him ; and

(d) subject to the orders of the Standing Committee exercise supervision and control over the acts and proceedings of the said officers and servants and, subject to the regulations, dispose of all questions relating to the service, remuneration and privileges of the said officers and servants.

Powers and  
duties of  
Deputy or  
Assistant  
Municipal  
Commissioner.

**49.** (1) A Deputy Municipal Commissioner or Assistant Municipal Commissioner shall, subject to the orders of the Commissioner, exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner shall from time to time depute to him:

<sup>1</sup> These words were inserted by Mah. 28 of 1990, s. 4.

Provided that the Commissioner shall inform the Corporation of the powers and duties which he from time to time deposes to a Deputy Municipal Commissioner or Assistant Municipal Commissioner.

(2) All acts and things performed and done by a Deputy Municipal Commissioner or Assistant Municipal Commissioner during his tenure of office and by virtue thereof shall for all purposes be deemed to have been performed and done by the Commissioner.

**50.** (1) The Transport Manager and all officers appointed under section 45 shall, subject to the provisions of sub-section (2), devote their whole time and attention to the duties of their respective offices and shall not engage in any other profession, trade or business whatsoever.

Conditions of service of statutory officers of Corporation.

(2) The Corporation may, subject to the regulations, permit the Transport Manager or any other officer referred to in sub-section (1) to perform while on duty or during leave a specified service or series of services for a private person or body or for a public body, including a local authority or for the Government and to receive remuneration therefor.

(3) The Transport Manager or any other officer referred to in sub-section (1) shall be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of his office on the votes of not less than one half of the whole number of councillors.

(4) In all matters not otherwise provided for in this Act, the conditions of service of the Transport Manager and other officers specified in sub-section (1) shall be regulated by the regulations.

#### *Other Officers and Servants.*

**51.** (1) Subject to the provisions of sub-section (4), the Standing Committee shall from time to time determine the number, designations, grades, salaries, fees and allowances of auditors, assistant auditors, officers, clerks and servants to be immediately subordinate to the Municipal Chief Auditor and the Municipal Secretary respectively.

Number, designations, grades, etc. of other municipal officers and servants.

(2) The Commissioner shall, from time to time, prepare and bring before the Standing Committee a statement setting forth the number, designations and grades of the other officers and servants who should in his opinion be maintained, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

(3) The Standing Committee shall, subject to the provisions of sub-section (4), sanction such statement either as it stands or subject to such modifications as it deems expedient.

<sup>1</sup>[(4) No new posts of the officers and servants of the Corporation shall be created without the prior sanction of the State Government:

Provided that, the decision of the Government on a proposal complete in all respects, received from the Corporation for creation of posts shall be communicated to the Corporation within ninety days from the date of the receipt of such proposal by the Government.]

<sup>1</sup> Sub-section (4) was substituted by Mah. 32 of 2011, s. 21 (a).

(5) Nothing in this section shall be construed as affecting the right of the Corporation or of the Commissioner to make any temporary appointment which it or he is empowered to make under section 53.

<sup>1</sup>[*Explanation.*—Any revision of pay scale or pay structure or grant of special pay, or grade, or revision of allowances (excluding dearness allowance) or change in designation shall be deemed, for the purposes of sub-section (4), to be the creation of a new post.]

Restriction  
on  
employment  
of permanent  
officers and  
servants.

**52.** No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under section 40 or 45, or his office and emoluments are covered by sub-section (1) of section 51 or are included in the statement sanctioned under sub-section (3) of section 51 and for the time being in force.

Power of  
appointment  
in whom to  
vest.

**53.** (1) The power of appointing municipal officers, whether temporary or permanent, <sup>2</sup>[to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner] shall vest in the Corporation:

Provided that temporary appointments for loan works <sup>3</sup>[to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner] may be made for a period of not more than six months by the Commissioner with the previous sanction of the Standing Committee on condition that every such appointment shall forthwith be reported by the Commissioner to the Corporation and no such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the Corporation.

(2) Save as otherwise provided in sub-section (1), the power of appointing municipal officers and servants, whether temporary or permanent, under the immediate control of the Municipal Chief Auditor and the Municipal Secretary shall vest in the Municipal Chief Auditor or the Municipal Secretary, as the case may be, subject, in either case, to the approval of the Standing Committee unless the said Committee in any particular case or class of cases dispenses with this requirement.

(3) Save as otherwise provided in this Act, the power of appointing municipal officers and servants whether permanent or temporary vests in the Commissioner:

Provided that such power in respect of permanent appointments shall be subject to the statement for the time being in force prepared and sanctioned under section 51 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment <sup>4</sup>[carrying a salary equivalent to higher in rank than the

<sup>1</sup> *Explanation* was substituted, by Mah. 32 of 2011, s. 21 (b).

<sup>2</sup> These words were substituted for the words “whose minimum monthly salary exclusive of allowances is or exceeds four hundred rupees”, *ibid.*, s. 22 (a) (i).

<sup>3</sup> These words were substituted for the words “carrying a monthly salary of rupees four hundred or more exclusive of allowaness”, *ibid.*, s. 22 (a) (ii).

<sup>4</sup> These words were substituted for the words “carrying a monthly salary of more than one hundred rupees exclusive of allowaness”, *ibid.* s. 22 (b).

post of clerk] shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the Standing Committee.

**54.** (1) There shall be a Staff Selection Committee consisting of the Commissioner or any other officer designated by him in this behalf, the Municipal Chief Auditor, the Head of the Department concerned and not more than one other officer nominated by the Commissioner.

Manner of making appointments.

(2) The Staff Selection Committee shall, in the manner prescribed in the rules, select candidates for all appointments in the municipal service other than appointment referred to in sub-section (1) of section 53 and other than those which the Corporation may, with the previous approval of the <sup>1</sup>[State] Government, by order specify in this behalf, unless it is proposed to fill the appointment from amongst persons already in municipal service or unless the appointment is of a temporary character and is not likely to last for more than six months.

(3) Every authority competent to make appointments in the municipal service shall make appointments of the candidates so selected in accordance with the directions given by the Staff Selection Committee.

(4) With reference to officers and servants appointed under Chapter XX, the provisions of this section shall apply as if for the word “Commissioner” the words “Transport Manager” had been substituted.

(5) Subject to the provisions of this section, any appointment of a municipal officer or servant shall be made in the manner prescribed in the rules, save as expressly provided therein.

**55.** Nothing in section 51, 52 and 53 shall apply to officers and servants appointed under the provisions of Chapter XX.

Saving in respect of officers and servants appointed under Chapter XX.

#### *Imposition of penalties.*

**56.** (1) A competent authority may subject to the provisions of this Act impose any of the penalties specified in sub-section (2) on a municipal officer or servant if such authority is satisfied that such officer or servant is guilty of a breach of departmental rules or discipline or of carelessness, neglect of duty or other misconduct or is incompetent:

Imposition of penalties on municipal officers and servants.

Provided that—

(a) no municipal officer or servant <sup>2</sup>[holding the post equivalent to or higher in rank than the post of the Assistant Commissioner] shall be dismissed by the Commissioner without the previous approval of the <sup>3</sup>[Corporation].

<sup>4</sup>[(b) any officer or servant whether appointed by the Corporation or any other competent authority, except Transport Manager being a

<sup>1</sup> This word was substituted for the word “Provincial” by the Adoption of Laws Order, 1950.

<sup>2</sup> These words were substituted for the words “where monthly salary exclusive of allowances exceeds one thousand rupees” by Mah. 32 of 2011, s. 23 (a) (i).

<sup>3</sup> This word was substituted for the words “Standing Committee”, *ibid*, s. 23 (a) (ii).

<sup>4</sup> Clause (b) was substituted by Mah. 12 of 1993, s. 14(b).

Government officer on deputation, may be suspended by the Commissioner pending an order of the Corporation and when the officer so suspended is the Transport Manager or an officer appointed under section 45, such suspension with reasons therefor, shall, forthwith be reported by the Commissioner to the Corporation, and such suspension shall come to an end if not confirmed by the Corporation within a period of six months from the date of such suspension :

Provided that, such suspension of an officer or servant pending inquiry into the allegations against such officer or servant shall not be deemed to be a penalty.]

(c) the Commissioner may impose any of the penalties specified in clauses (a), (b) <sup>1</sup>\*<sup>2</sup> [(e) and (f)] of sub-section (2) on any officer appointed by the Corporation <sup>3</sup>[other than the Transport Manager if he is a Government officer on deputation];

(d) the Municipal Chief Auditor and the Municipal Secretary may impose any of the penalties specified in clauses (a), (b), (c), (d) and (e) of sub-section (2) on any officer or servant immediately subordinate to them <sup>4</sup>\* \* \* \* \* subject to a right of appeal to the Standing Committee and the Standing Committee may impose any other penalty on any such officer or servant and may also impose any penalty on any other officer or servant immediately subordinate to the Municipal Chief Auditor or the Municipal Secretary.

<sup>5</sup> [Explanation.—For the purposes of this section and section 53, a post shall be deemed to be a rank equivalent to another post if the minimum and maximum pay in the pay scale of both the posts are same. A post shall be deemed to be of a rank higher than another post, if the minimum pay in pay scale of former is at least equivalent to the later, but the maximum is higher than the later. In respect of the pay structure, a post shall be deemed to be of a rank equivalent to, or higher than another post, if the grade pay in pay structure of the former is equivalent to or higher than the later, respectively.].

(2) The penalties which may be imposed under this section are the following, namely :—

- (a) censure ;
- (b) with-holding of increments or promotion includings stoppage at an efficiency bar ;
- (c) reduction to a lower post or time-scale, or to a lower stage in a time-scale ;
- (d) fine ;
- (e) recovery from salary of the whole or part of any pecuniary loss caused to the Corporation ;

<sup>1</sup> The brackets and letter “(C)” were deleted by Mah. 12 of 1993, s. 14(c) (i).

<sup>2</sup> These brackets, letters and words were substituted for the word, brackets and letter “and (e)”, *ibid.*, s. 14(c) (ii).

<sup>3</sup> These words were substituted for the words and figures “other than the Transport Manager or an officer appointed under section 45” *ibid.*, s. 14(c) (iii).

<sup>4</sup> The words “ and drawing monthly salary not exceeding rupees one hundred and fifty, exclusive of allowances” were deleted, *ibid.*, s. 14 (d).

<sup>5</sup> Explanation was added by Mah. 32 of 2011, s. 23(b).

(f) suspension ;

(g) removal from municipal service which does not disqualify from future employment ;

(h) dismissal from municipal service which ordinarily disqualifies from future employment.

(3) No officer or servant shall be reduced to a lower post or removed or dismissed from service under this section unless he has been given a reasonable opportunity of showing cause against such reduction, removal or dismissal :

Provided that this sub-section shall not apply—

(a) where a person is reduced, removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge ; or

(b) where the competent authority is satisfied that, for reasons to be recorded in writing by such authority, it is reasonably practicable to give that person an opportunity of showing cause.

(4) Subject to the provisions of clause (d) of the proviso to sub-section (1), any municipal officer or servant who is reduced, removed or dismissed by any authority other than the Corporation may, within one month of the communication to him of the order of reduction, removal or dismissal, appeal to the authority immediately superior to the authority which imposed the penalty and the appellate authority may, after obtaining the remarks of the authority which imposed the penalty, either confirm the order passed or substitute for it such order as it considers just, including an order for the imposition of some lesser penalty, and effect shall forthwith be given to any order passed by the appellate authority which shall be conclusive :

Provided that for the purposes of this sub-section the Standing Committee shall be deemed to be the authority immediately superior to the Commissioner and the Corporation shall be deemed to be the authority immediately superior to the Standing Committee.

(5) With reference to officers and servants appointed under Chapter XX the provisions of this section shall apply as if for the word “Commissioner” the words “Transport Manager” and for the words “Standing Committee” the words “Transport Committee” had been substituted.

*Explanation.*—(1) For the purposes of this section a competent authority is the authority which under the provisions of this Act is competent to make the appointment to the post held by the particular municipal officer or servant.

(2) The monthly salary which would ordinarily be admissible to a municipal officer or servant on the date immediately preceding the date of the order imposing a penalty shall be deemed to be his salary for the purposes of the proviso to sub-section (1).

*Leave of absence, acting appointments, etc.*

Leave of  
absence.

**57.** (1) Leave of absence may be granted subject to the regulations by the Commissioner to any municipal officer or servant whom he has the power of appointing and for a period not exceeding one month to any other municipal officer, other than the Transport Manager, officers and servants immediately subordinate to the Municipal Chief Auditor or the Municipal Secretary and Officers and servants appointed under Chapter XX.

(2) Leave of absence may be granted by the Municipal Chief Auditor or the Municipal Secretary, as the case may be, to a clerk or servant immediately subordinate to him and receiving a monthly salary, exclusive of allowances, not exceeding one hundred and fifty rupees.

(3) Leave of absence may be granted by the Standing Committee to any officer or servant not covered by sub-section (1) or sub-section (2) excepting the Transport Manager and officers and servants appointed under the provisions of Chapter XX.

Acting  
appointments.

**58.** (1) The appointment of a person to act in the place of an officer absent on leave may be made when necessary and subject to the regulations by the authority granting the leave of absence :

Provided that—

(a) when an officer appointed under section 45 is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the Corporation and, excepting an appointment to act for the Municipal Secretary, shall be reported forthwith to the <sup>1</sup>[State] Government ;

(b) any appointment reported to the <sup>1</sup>[State] Government under clause (a) may be disallowed by it and from the time of being so disallowed shall be null and void as from the date of the receipt by the Corporation of the order of the <sup>1</sup>[State] Government.

(2) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which such officer or servant is bound to perform or may exercise or to which such officer or servant is liable.

*Disqualification of municipal officers and servants.*

Disqualification  
of municipal  
officers and  
servants.

**59.** (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the Corporation,<sup>2</sup>\* \* \* \* \* shall be disqualified for being a municipal officer or servant.

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> The words " or in any employment, with, by, or on behalf of the Corporation other than as a municipal officer or servant ", were deleted by Mah. 42 of 1977, s. 7(a).

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract, <sup>1</sup>\* \* \* as aforesaid shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract <sup>2</sup>\* \* \* with, by, or on behalf of the Corporation as under sub-clause (ii) or (iv) of clause (b) of sub-section (2) of section 10, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

*Explanation.*—The expression “municipal officer” includes the Transport Manager appointed under section 40 and any person appointed to act for the Transport Manager under section 41.

<sup>3</sup>[59A. Notwithstanding anything contained in section 53 or any other provisions of this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation].

Sanction for prosecution of officers and servants of Corporation.

**60.** (1) Any municipal officer or servant occupying any premises provided by the Corporation for his residence—

Occupation of, and liability to vacate, premises provided by Corporation for municipal officers and servants.

(a) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be prescribed by the Corporation, and

(b) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his resignation, dismissal, removal or retirement from the service of the Corporation or whenever the Commissioner, with the approval of the Corporation, thinks it necessary and expedient to require him to do so.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so, the Commissioner may order such person to vacate such premises and may take such measures as will prevent him from remaining on or again entering on the premises.

(3) With reference to a municipal officer or servant appointed under Chapter XX, the provisions of this section shall apply as if for the word “Commissioner” the words “Transport Manager” had been substituted.

<sup>1</sup>. The words “non employment” were deleted by Mah. 42 of 1977, s. 7(b).

<sup>2</sup>. The words “or employment” were deleted, *ibid.*, s. 7(c).

<sup>3</sup>. Section 59A was inserted by Mah. 29 of 2011, s. 4.

<sup>1</sup>[CHAPTER IV-A.

## DISCLOSURE OF SPECIFIED INFORMATION.

Disclosure  
of specified  
information.

**60A.** (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information specified in sub-section (3).

(2) The manner of disclosure of information shall include the publication of the information—

- (i) in News papers ;
- (ii) on Internet ;
- (iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;
- (iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

- (i) particulars of the Corporation ;
- (ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;
- (iii) a directory of its officers and employees ;
- (iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;
- (v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

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<sup>1</sup> Chapter IV-A was inserted by Mah. 33 of 2007, s. 3.

(vi) the statement showing each of the services provided by the Corporation ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made;

(viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of indentification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazeete*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.]

## CHAPTER V.

## ESSENTIAL SERVICES.

Members of  
essential  
services not  
to resign,  
etc., without  
permission.

**61. (1)** No member of an essential service shall.—

(a) without the written permission of the Commissioner or any officer authorised by him in this behalf, resign his office, withdraw or absent himself from the duties thereof without at least two months' notice given in writing to the Commissioner, except in the case of illness or accident disabling him for the discharge of his duties, or other reason accepted as sufficient by the Commissioner or such officer, or

(b) neglect or refuse to perform his duties or willfully perform them in a manner which, in the opinion of the Commissioner or such officer, is inefficient.

(2) With reference to a member of an essential service who is appointed under Chapter XX, the provisions of this section shall apply as if for the word "Commissioner" the words "Transport Manager" had been substituted.

Power of  
<sup>1</sup>[State]  
Government  
to declare  
emergency.

**62.** If the <sup>1</sup>[State] Government is of the opinion that the stoppage or the cessation of the performance of any of the essential services will be prejudicial to the safety or health or the maintenance of services essential to the life of the community in the City, it may, by notification in the *Official Gazette*, declare that an emergency exists in the City and that in consequence thereof no member of such of the essential services and for such period as may be specified in the notification shall, notwithstanding any law for the time being in force or any agreement,—

(a) withdraw or absent himself from his duties except in the case of illness or accident disabling him from the discharge of his duties, or

(b) neglect or refuse to perform his duties or willfully perform them in a manner which in the opinion of such officer as the <sup>1</sup>[State] Government may specify in this behalf is inefficient.

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<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

## CHAPTER VI.

## DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES AND OFFICERS.

*Obligatory and Discretionary Duties of the Corporation.*

**63.** It shall be incumbent on the Corporation to make reasonable and adequate provision, by any means or measures which it is lawfully competent to it to use or to take, for each of the following matters, namely —

Matters to be provided for by the Corporation.

(1) erection of substantial boundary marks of such description and in such positions as shall be approved by the <sup>1</sup>[State] Government defining the limits or any alteration in the limits of the City ;

<sup>2</sup>[(1a) planning for social and economic development ;

(1b) urban forestry, protection of the environment and promotion of ecological aspects ;]

(2) the watering, scavenging and cleansing of all public streets and places in the City and the removal of all sweepings therefrom ;

(3) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and, if so required by the <sup>1</sup>[State] Government, the preparations of compost manure from such sewage, offensive matter and rubbish ;

(4) the construction, maintenance and cleansing of drains and drainage work and of public latrines, water-closets, urinals and similar conveniences ;

(5) the entertainment of a fire-brigade equipped with suitable appliances for the extinction of fires and the protection of life and property against fire ;

(6) the construction or acquisition and maintenance of public hospitals and dispensaries including hospitals for the isolation and treatment of persons suffering or suspected to be infected with a contagious or infectious disease and carrying out other measures necessary for public medical relief ;

(7) the lighting of public streets, municipal markets and public buildings vested in the Corporation ;

(8) the maintenance of a municipal office and of all public monuments and open spaces and other property vesting in Corporation ;

(9) the naming or numbering of streets and of public places vesting in the Corporation and the numbering of premises ;

(10) the regulation and abatement of offensive and dangerous trades or practices ;

(11) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies ;

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 These clauses were inserted by Mah. 41 of 1994, s. 65.

(12) the construction or acquisition and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses ;

(13) the construction or acquisition and maintenances of cattle-ponds ;

(14) public vaccination in accordance with the provisions of the <sup>Bom. I</sup> \*Bombay District Vaccination Act, 1892 ; of 1892.

(15) maintaining, aiding and suitably accommodating Schools for primary education;

(16) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;

(17) the registration of births and deaths ;

(18) the construction, maintenance, alteration and improvement of public streets, bridges, sub-ways, culverts, cause-ways and the like ;

(19) the removal of obstructions and projections in or upon streets, bridges, and other public places ;

(20) the management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes ;

(21) preventing and checking the spread of dangerous diseases ;

(22) the securing or removal of dangerous buildings and places ;

(23) the construction and maintenance of residential quarters for the municipal conservancy staff;

(24) fulfilment of any obligation imposed by or under this Act or any other law for the time being in force ;

(25) subject to adequate provision being made for the matters specified above, the provision of relief to destitute persons in the City in times of famine and scarcity and the establishment and maintenance of relief works in such times.

Corporation  
to provide for  
anti-rabic  
treatment.

**64.** The Corporation shall make payments at such rates and subject to such conditions as the <sup>1</sup>[State] Government from time to time by general or special order prescribes, for the maintenance and treatment in any institution which the <sup>1</sup>[State] Government declares by notification in the *Official Gazette* to be suitable for the purpose either within or without the City and for other necessary expenses of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institutions :

Provided that the Corporation shall not be liable under this section for the maintenance, treatment and other expenses of any person undergoing anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person immediately previous to his admission thereto has been resident in the City for at least one year and has proceeded to such institution from the City.

\* See, now the Maharashtra Vaccination Act, 1964 (Mah. XXXVII of 1964).

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

**65.** (1) The Corporation shall make payments at such rates for each person as the <sup>1</sup>[State] Government from time to time by general or special order prescribes for the maintenance and treatment at any asylum, hospital or house, within or without the City, which the <sup>1</sup>[State] Government declares by notification in the *Official Gazette*, to be suitable for the purpose of pauperlunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898,\* is in force and of lepers resident within, or under any enactment for the time being in force removed from, the City :

Corporation to provide for maintenance of lunatics and lepers.

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid, unless such lunatic or leper immediately previous to his admission thereto has been resident in the City for at least one year :

Provided further that the rates prescribed by the <sup>1</sup>[State] Government under this section shall not exceed half the total cost of maintenance and treatment incurred for each person on account of the lunatics for whose maintenance and treatment the Corporation shall be liable under this section:

Provided also that where an application is made to the Court under section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by the Corporation shall be made without an opportunity being given to the Corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound and having the means to maintain him.

IV of  
1912.

(2) The Officer in charge of an asylum, hospital or house to which lunatics or lepers for whose maintenance and treatment the Corporation is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such persons detained in the asylum, hospital or house and shall furnish a copy thereof to the Corporation.

**66.** The Corporation may, in its discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely :—

Matters which may be provided for by Corporation at its discretion.

(1) the organisation, maintenance or management of institutions within or without the City for the care of persons who are infirm, sick or incurable, or for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children;

<sup>2</sup>[(1A) slum improvement and upgradation ;

(1B) urban poverty alleviation ;

(1C) cattle pounds and prevention of cruelty to animals ;

(1D) regulation of tanneries ;]

(2) the organisation, maintenance or management of maternity and infant welfare homes or centres ;

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> These clauses were inserted by Mah. 41 of 1994, s. 66.

- (3) the provision of milk to expectant or nursing mothers or infants or school children ;
- (4) the organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of diseases or for researches connected with public health ;
- (5) swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health ;
- (6) dairies or farms within or without the City for the supply, distribution and processing of milk or milk products for the benefit of the residents of the City ;
- (7) the construction and maintenance in public streets or places of drinking fountains for human beings and water-troughs for animals ;
- (8) the planting and maintenance of trees on road sides and elsewhere ;
- (9) the provision of music for the people ;
- (10) the provision of public parks, gardens, play-grounds and recreation grounds ;
- (11) the holding of exhibitions, athletics or games ;
- (12) the regulation of lodging houses, camping grounds and rest houses in the City ;
- (13) the maintenance of an ambulance service ;
- (14) the construction, establishment and maintenance of theatres, rest-houses other public buildings ;
- (15) the organisation or maintenance, in times of scarcity, of shops or stalls for the sale of necessities of life ;
- (16) the building or purchase and maintenance of dwellings for municipal officers and servants ;
- (17) the grant of loans for building purposes to municipal servants<sup>1</sup> on such terms and subject to such conditions as may be prescribed by the Corporation ;
- (18) any other measures for the welfare of municipal servants or any class of them ;
- (19) the purchase of any undertaking for the supply of electric energy or gas or the starting or subsidising of any such undertaking which may be in the general interest of the public ;
- (20) the construction, purchase, organisation, maintenance or management of light railways, tramways, trackless trams, or motor transport facilities for the conveyance of the public or goods within or without the City ;
- (21) the furtherance of educational objects other than those mentioned in clause (15) of section 63 and making grants to educational institutions within or without the City ;
- (22) the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase or construction of buildings therefor ;

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<sup>1</sup> The words "drawing a monthly salary of not more than four hundred rupees" were deleted by Mah. 27 of 1975, s. 2.

(23) the construction or maintenance of infirmaries or hospitals for animals ;

(24) the destruction of birds or animals causing a nuisance, or of vermin, and the confinement or destruction of stray or ownerless dogs ;

(25) contributions towards any public fund raised for the relief of human suffering within the City or for the public welfare ;

(26) the preparation or presentation of addresses to persons of distinction;

(27) the registration of marriages ;

(28) the granting of rewards for information which may tend to secure the correct registration of vital statistics ;

(29) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary magistrate or any portion of such charges ;

(30) the acquisition and maintenance of grazing grounds and the establishment and maintenance of a breeding stud ;

(31) establishing and maintaining a farm or factory for the disposal of sewage ;

(32) supplying, constructing and maintaining, in accordance with the general system approved by the Corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Corporation;

(33) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, bye-laws, regulations or standing orders;

(34) laying out whether in areas previously built upon or not, new public streets and acquiring land for that purpose and land required for the construction of buildings or curtileges thereof to abut on such street or streets ;

(35) the building or purchase and maintenance of suitable dwellings for the poor and working classes, or the grant of loans or other facilities to any person, society or institution interested in the provision of such dwellings;

(36) the provision of shelter to destitute or homeless persons and any form of poor relief;

(37) the building or purchase and maintenance of sanitary stables, or byres for horses, ponies or cattle used in hackney carriages or carts or for milch-kine;

(38) surveys of buildings or lands ;

(39) measures to meet any calamity affecting the public in the City ;

(40) making contributions to the funds of the Local Self Government Institute Bombay;

<sup>1</sup>[(41) making any contribution towards any public reception, ceremony or entertainment:

Provided that, the total expenditure on account of such contribution during any official year shall not exceed rupees twenty-five thousand or such higher amount as the State Government may, from time to time, by notification published in the *Official Gazette*, specify in this behalf.]

<sup>2</sup>[(41A) with the previous sanction of the State Government and subject to such terms and conditions as the State Government may impose, subscribing to the share capital of any company or co-operative society, with a limited liability, established or to be established for maintaining or setting up a slaughter house, or for providing any other services in the City, useful to the Corporation in carrying out any of the duties imposed upon it by or under this Act or any other law for the time being in force ;]

(42) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

Performance  
of functions  
by agencies.

<sup>3</sup>[66A. When any duty has been imposed on, or any function has been assigned to, a Corporation under this Act or any other law for the time being in force, or a Corporation has been entrusted with the implementation of a scheme by the State Government or any other authority,—

(i) the Corporation may, either discharge such duty or perform such function or implement such schemes by itself; or

(ii) subject to such directions as may be issued and the terms and conditions as may be determined by the State Government, cause it to be discharged, performed or implemented by any agency :

Provided that, the Corporation may also specify terms and conditions, not inconsistent with the terms and conditions determined by the State Government for such agency arrangement.]

*Respective functions of the several Municipal Authorities.*

Function of  
the several  
municipal  
authorities.

**67.** (1) The respective functions of the several municipal authorities shall be such as are specifically prescribed by or under this Act.

(2) Except as otherwise expressly provided in this Act, the municipal government of the City vests in the Corporation.

(3) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or the Standing Committee and subject also to all other restrictions, limitations and conditions imposed by this Act or by any other law for the time being in force, the entire executive power for the purpose of carrying out the provisions of this

<sup>1</sup> Clause (41) was substituted for the original by Mah. 42 of 1977, s. 8.

<sup>2</sup> Clause (41A) was inserted by Mah. 68 of 1975, s. 2.

<sup>3</sup> Section 66A was inserted by Mah. 41 of 1994, s. 67.

Act and of any other Act for the time being in force which imposes any duty or confers any powers on the Corporations vests in the Commissioner, who shall also—

(a) perform all the duties and exercise all the powers, specifically imposed or conferred upon him by this Act or by any other law for the time being in force ;

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the Municipal Secretary and the Municipal Chief Auditor and the municipal officers and servants immediately subordinate to them, and subject to the regulations, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

(c) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the Corporation as the emergency shall appear to him to justify or to require notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of some other municipal authority or of the <sup>1</sup>[State] Government:

Provided that the Commissioner shall report forthwith to the Standing Committee and to the Corporation the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget-grant under the provisions of this Act;

(d) perform the duties and exercise the powers imposed or conferred upon the Transport Manager by this Act in his absence or on failure by him to perform or exercise the same.

(4) Subject, whenever expressly so directed in this Act, to the approval of the Corporation or the Transport Committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of Chapter XX vests in the Transport Manager who shall also,—

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act and perform such other duties in connection with the Transport Undertaking as may be required of him by the Transport Committee ;

(b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of all municipal officers and servants appointed under Chapter XX and, subject to the regulations, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

(c) in any emergency, take such immediate action for the protection of human life or of the property of the Corporation or for the maintenance of the service provided to the public by the Transport Undertakings as the emergency shall appear to him to justify or require, reporting forthwith to the Transport Committee, when he

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<sup>1</sup> This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

has done so, the action he has taken and his reason for taking the same and the amount of cost, if any, incurred, or likely to be incurred in consequence of such action, which is not covered by a budget-grant under the provisions of this Act.

Environment  
Status  
Report.

<sup>1</sup>[67A. The Commissioner shall, before the thirty-first day of July every year, place before the Corporation a report on the status of environment within the city in respect of the last preceding official year covering such matters, and in such manner as may be specified by the State Government from time to time.]

Commissioner  
to exercise  
powers and  
perform  
duties of  
Corporation  
under other  
laws.

**68.** (1) Any powers, duties and functions conferred or imposed upon or vested in the Corporation by any other law for the time being in force shall, subject to the provisions of such law and to such restrictions, limitations and conditions as the Corporation may impose, be exercised, performed or discharged by the Commissioner.

(2) The Commissioner may with the approval of the Standing Committee by order in writing empower any municipal officer to exercise, perform or discharge any such power, duty or function under the control of the Commissioner and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe.

Municipal  
officers may  
be  
empowered  
to exercise  
certain of  
the powers,  
etc., of the  
Commissioner  
or the  
Transport  
Manager.

**69.** (1) Subject to the provisions of sub-sections (2) and (3), any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner or the Transport Manager by or under any of the provisions of this Act may be exercised, performed or discharged, under the control of the Commissioner or the Transport Manager, as the case may be, and subject to his revision and to such conditions and limitations, if any, as may be prescribed by rules, or as he shall think fit to prescribe in a manner not inconsistent with the provisions of this Act or Rules, by any municipal officer whom the Commissioner or the Transport Manager generally or specially empowers by order in writing in this behalf; and to the extent to which any municipal officer is so empowered the word "Commissioner" and the words "Transport Manager" occurring in any provision in this Act, shall be deemed to include such officer.

(2) The Commissioner shall not, except with the prior approval of the Standing Committee, make an order under sub-section (1) affecting his powers, duties or functions under any of the following sections, sub sections and clauses, namely :—

10 (1) (h), 12(1), 18(1), 26(2), 43(2), 43(4), 43(5), 51(2), 67(3)(b), 67(3)(d), 71(2), 73, 77, 78(1), 85, 86, 87, 90, 92(2), 94, 95, 121, 122, 125, 126, 130(1)(b), 131(1), 134, 137, 144, 152, 154, 160, 174, 176, 177, 188, 195, 196, 197, 201, 205, 207, 208, 209, 210, 212, 213, 214, 216, 220, 224, 232, 243, 268, 269, 270, 272(2), 273, 274, 275(1), 277, 278, 281, 298, 300, 301, 303, 304, 305, 310, 317, 319, 321, 322, 323, 324, 325, 328, 329, 330, 331, 332, 363, 364, 371(2), 373, 386(2), 439(3), 439(4), 441, 442, 445, 466, 481 except clause (a) of sub-section (1).

(3) The Transport Manager shall not, except with the prior approval of the Transport Committee, make an order under sub-section (1)

<sup>1</sup> Section 67A was inserted by Mah. 41 of 1994, s. 68.

affecting his powers, duties or functions under any of the following provisions, namely:—

43(5), 67(b), 67(4)(c), 71(2), 73, 97, 344, 346, 348, 354, 355, 356, 358, 362, 481 except clause (a) of sub-section (1).

**70.** The Corporation may at any time call for any extract from any proceedings of any Committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which any such Committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the Committee or sub-committee, as the case may be, without unreasonable delay.

Corporation may call for extracts from proceedings, etc., from the Standing Committee, etc.

**71.** (1) The Corporation may at any time require the Commissioner—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him ;

Corporation may require Commissioner to produce documents and furnish returns, reports, etc.

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the Municipal Government of the City;

(c) to furnish a report by himself or to obtain from any officer subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the Municipal Government of the City.

(2) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay ; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition :

Provided that, if, on such requisitions as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interest of the Corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid.

(3) If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the Corporation to elect one councillor who with the Mayor and the Chairman of the Standing Committee or, if the Mayor is also Chairman of the Standing Committee, with the Mayor and one member of its own body elected by the Standing Committee shall form a committee who shall engage to

keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed them; and to whom the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition.

(4) The said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time. Such decision, of the committee shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof, where also the Commissioner shall be bound to produce documents and to make any report or statement requisite to give effect to the decision of the committee when called on to do so by the Corporation.

(5) In their application to matters relating to the Transport Undertaking the provisions of sub-sections (1) to (4) shall have effect as if for the word "commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had been substituted.

Exercise of powers to be subject to sanction by Corporation of the necessary expenditure.

**72.** The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act which will involve expenditure shall, except in any case specified in sub-section (2) of section 86 or in sub-section (2) of section 355, be subject to the conditions that—

(a) such expenditure so far as it is to be incurred in the official year in which such powers exercised or duty performed, is provided for under a current budget grant; and

(b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, the sanction of the Corporation is taken before liability for such expenditure is incurred.

<sup>1</sup>[*Prevention of delay in discharge of official duties.*]

Citizens' Charter.

**72A.** (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah.  
XXIX  
of 2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation of powers.

**72B.** (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

<sup>1</sup> This heading and sections 72A to 72D were inserted by Mah. 29 of 2011, s. 5.

Mah.  
XXIX  
of 2011.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

**72C.** (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible : Disciplinary action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days :

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

**72D.** Nothing in section 72C shall apply to,—

- (i) sub-judice matters;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments ;
- (v) cases related to Legislation; and
- (vi) cases involving major policy decisions.]

Non-  
application of  
provisions of  
section 72C in  
certain

## CHAPTER VII.

## CONTRACTS.

Power to  
Commissioner  
to execute  
contracts on  
behalf of  
Corporation.

**73.** With respect to the making of contracts under or for any purpose of this Act, including contracts relating to the acquisition and disposal of immovable property or any interest therein, the following provisions shall have effect, namely :—

(a) every such contract shall be made on behalf of the Corporation by the Commissioner ;

(b) no such contract for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly given ;

<sup>1</sup>[(c) no contract, other than a contract relating to the acquisition of immovable property or any interest therein or any right thereto, which will involve an expenditure exceeding rupees twenty-five lakhs but not exceeding rupees fifty lakhs shall be made by the Commissioner, unless the same is previously approved by the Mayor. However, the total amount of all contracts approved by the Mayor shall not exceed rupees two crores and fifty lakhs during a year. Subject to the above, for any contract which involves an expenditure in excess of rupees twenty-five lakhs, the previous approval of the Standing Committee shall be necessary :

Provided that, notwithstanding anything contained in Schedule 'D', in Chapter II, in rule 3, in clause (k), where the approval of the Standing Committee is sought by the Commissioner for any contract, the Standing Committee shall consider and dispose of the proposal made by the Commissioner in that behalf within fifteen days reckoned from the date of the meeting of the Standing Committee held immediately after the proposal is received by it, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the approval to such contract shall be deemed to have been given by the Standing Committee and a report to that effect shall be made by the Commissioner to the Corporation.] ;

(d) every contract made by the Commissioner involving an expenditure exceeding <sup>2</sup>[five lakhs rupees] and not exceeding <sup>3</sup>[twenty-five lakh rupees] or such higher amount as may for the time being be prescribed under clause (c) shall be reported by him, within fifteen days after the same has been made, to the Standing Committee ;

(e) the foregoing provisions of this section shall, as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of  
executing  
contracts.

**74.** (1) The mode of executing contracts under this Act shall be as prescribed by rules.

(2) No contract which is not made in accordance with the provisions of this Act and the rules shall be binding on the Corporation.

Contracts  
relating to  
Transport  
Undertaking.

**75.** For the purpose of contracts relating exclusively to the Transport Undertaking the provisions of section 73 and those of Chapter V of the Schedule shall apply as if for the word "Commissioner" wherever it occurs the words "Transport Manager" and for the words "Standing Committee" wherever they occur the words "Transport Committee" had been substituted.

<sup>1</sup> Clause (c) was substituted by Mah. 32 of 2011, s. 24 (a).

<sup>2</sup> These word were substituted for the words "fifty thousand" by Mah. 32 of 2011, s. 24(b) (i).

<sup>3</sup> These words were substituted for the words "ten lakhs", *ibid.*, s. 24(b) (ii).

## CHAPTER VIII.

## MUNICIPAL PROPERTY.

*Acquisition of Property.*

**76.** (1) The Corporation shall, for the purposes of this Act, have power to acquire and hold movable and immovable property or any interest therein whether within or without the limits of the City.

Powers of Corporation as to acquisition of property.

(2) All immovable and other property, wherever situate, which on the date immediately preceding the appointed day vested—

(a) in any municipality or local authority which has been superseded by or under this Act in consequence of the inclusion in the City of the area for which it was constituted, or

(b) in <sup>1</sup>[Government] by reason of the supersession or dissolution of such municipality or local authority under any law relating to such municipality or local authority,

shall upon and after the said day vest in and be held by the Corporation having jurisdiction in such City as trustees for the purposes of this Act but subject to all trusts, charges and liabilities affecting the same.

(3) All primary schools, with their lands, buildings, records and equipment, and all other properties, movable or immovable, which on the date immediately preceding the appointed day vested, under the provisions of section 12 of the Bombay Primary Education Act, 1947, in the District School Board of the district in which such City is situate in respect of any area which is included in such City shall, upon and after the said day, vest in, and be held by, the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same :

Bom.  
LXI of  
1947.

Provided that in the event of any question, dispute or doubt arising as to whether any particular property shall so vest in and be held by the Corporation, the matter shall be referred to the <sup>2</sup>[State] Government whose decision thereon shall be final.

(4) The <sup>2</sup>[State] Government may, by order in writing, direct that any immovable or other property situate in, or pertaining to and area included within the limits of any City which, on the appointed day, was vested in a local authority whose jurisdiction extended beyond such area shall vest in and be held by the Corporation as trustees for the purposes of this Act, but subject to all trusts, charges and liabilities affecting the same.

(5) Any immovable property which may be transferred to the Corporation by the Government shall be held by it subject to such conditions, including resumption by the Government on the occurrence of a specified contingency, and shall be applied to such purposes as the Government may impose or specify when the transfer is made.

<sup>1</sup> This word was substituted for the word "His Majesty" by the Adaptation of Laws Order, 1950.

<sup>2</sup> This word was substituted for the words "Provincial", *ibid.*

Acquisition  
of  
immovable  
property.

**77.** (1) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee either generally for any class of cases or specially in any particular case.

(2) Whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee as aforesaid.

(3) The Commissioner may on behalf of the Corporation acquire by agreement any easement affecting any immovable property vested in the Corporation, and the provisions of sub-sections (1) and (2) shall apply to such acquisition.

Procedure  
when  
immovable  
property  
cannot be  
acquired by  
agreement.

**78.** (1) Whenever the Commissioner is unable under section 77 to acquire by agreement any immovable property or any easement affecting any immovable property vested in the Corporation or whenever any immovable property or any easement affecting any immovable property vested in the Corporation is required for the purposes of this Act, the <sup>1</sup>[State] Government may, in its discretion, upon the application of the Commissioner, made with the approval of the Standing Committee and subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation, as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

I of  
1894.

(2) Whenever an application is made under sub-section (1) for the acquisition of land for the purpose of providing a new street or for widening or improving an existing street it shall be lawful for the Commissioner to apply for the acquisition of such additional land immediately adjoining the land to be occupied by such new street or existing street as is required for the sites of buildings to be erected on either side of the street, and such additional land shall be deemed to be required for the purposes of this Act.

(3) The amount of compensation awarded and all other charges incurred in the acquisition of any such property, shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the Corporation.

#### *Disposal of Property.*

Provision  
governing the  
disposal of  
Municipal  
property.

**79.** With respect to the disposal of property belonging to the Corporation other than property vesting in the Corporation exclusively

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

for the purposes of the Transport Undertaking the following provisions shall have effect, namely :—

(a) the Commissioner may, in his discretion, dispose of by sale, letting out on hire or otherwise, any moveable property belonging to the Corporation not exceeding in value in each instance five hundred rupees or such higher amount as the Corporation may, with the approval of the <sup>1</sup>[State] Government, from time to time determine, or grant a lease of any immoveable property belonging to the Corporation including any right of fishing or of gathering and taking fruit, and the like, for any period not exceeding twelve months at a time :

Provided that the Commissioner shall report to the Standing Committee every lease of immoveable property within fifteen days of the grant thereof unless it is a contract for a monthly tenancy or the annual rent thereof at a rack rent does not exceed three thousand rupees ;

(b) with the sanction of the Standing Committee the Commissioner may dispose of by sale, letting out on hire or otherwise any moveable property belonging to the Corporation, of which the value does not exceed five thousand rupees ; and may with the like sanction grant a lease of any immoveable property belonging to the Corporation, including any such right as aforesaid, for any period exceeding one year or sell or grant a lease in perpetuity of any immoveable property belonging to the Corporation the value of premium whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees ;

(c) with the sanction of the Corporation the Commissioner may lease, sell, let out on hire or otherwise convey any property, moveable or immoveable, belonging to the Corporation ;

(d) the consideration for which any immoveable property or any right belonging to the Corporation may be sold, leased or otherwise transferred shall not be less than the current market value of such premium, rent or other consideration ;

(e) the sanction of the Standing Committee or of the Corporation under clause (b) or clause (c) may be given either generally for any class of cases or specially in any particular case ;

(f) the aforesaid provisions of this section and the provisions of the rules shall apply, respectively, to every disposal of property belonging to the Corporation made under or for any purposes of this Act :

Provided that

(a) no property vesting in the Corporation for the purpose of any specific trust shall be leased, sold or otherwise conveyed in such a manner that the purpose for which it is held will be prejudicially affected ;

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<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(b) no property transferred to the Corporation by the Government shall be leased, sold or otherwise conveyed in any manner contrary to the terms of the transfer except with the prior sanction of the appropriate Government.

<sup>1</sup>[(g) notwithstanding anything contained in this section, the Commissioner may, with the sanction of the Corporation and with the approval of the State Government grant a lease, for a period not exceeding thirty years, of a land belonging to the Corporation which is declared as a slum area under the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, to a co-operative society of slum dwellers <sup>2</sup>[or to persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to the Co-operative Housing Society formed exclusively by persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to any Department or undertaking of the Government of Maharashtra or of the Government of India, for the public purposes or to a public trust exclusively for medical and educational purposes registered under the Bombay Public Trusts Act, 1950 ; or to a society registered under the Societies Registration Act, 1860 or the Maharashtra Co-operative Societies Act, 1960 or a company registered under the Companies Act, 1956 or any person for the purposes of the provisions of public latrines, urinals and similar conveniences or construction of a plant for processing excrementitious or other filthy matters or garbages] at such rent, which may be less than the market value of the premium, rent or other consideration, for the grant of such lease, and subject to such conditions as the Corporation may impose.

Mah.  
XXVIII  
of  
1971.

Bom.  
XXIX of  
1950.  
XXI of  
1860.  
Mah.  
XXIV of  
1961.  
I of  
1956.

The approval of the State Government under this clause may be given either generally for any class of cases of such lands or specially in any particular case of such land :

Provided that, the Commissioner may in like manner renew, from time to time, the lease for such period and subject to such conditions as the Corporation may determine and impose.

*Explanation.*—For the purposes of this clause, the expression “slum dwellers ” means the slum dwellers whose names are included—

(a) in the list of hutment dwellers prepared in the census of hutments taken in the year 1976 ; or

(b) where such census of hutments is not taken in the Assembly roll in force in the year ; or

(c) in the Assembly roll prepared in 1980 and published in May 1980 ; or

(d) where it is contended that the name of a slum dweller remained to be included in the Assembly roll for the year 1980, in the Assembly roll in force in the years 1977, 1978 or 1979 ;

<sup>1</sup> Clause (g) was added by Mah. 38 of 1987, s. 2.

<sup>2</sup> These words were inserted by Mah. 32 of 2011, s. 25.

and who are occupying such land on the date of making an application by the co-operative society to the Corporation for grant of lease of such land.]

**80.** (1) Where any immoveable property or any right in or over any such property is claimed by or on behalf of the Corporation, or by any person as against the Corporation, it shall be lawful for the Collector after formal inquiry, of which due notice has been given, to pass an order deciding the claim.

Decision of claims to property by or against the Corporation.

(2) The Corporation or any person aggrieved by an order passed by the Collector under sub-section (1) may, notwithstanding anything contained in any law for the time being in force, within one year from the date on which the Corporation or such person had due notice of such order, institute a suit in any competent civil court to set aside such order or to claim a relief inconsistent therewith.

If any such suit is instituted after the expiration of one year from the date on which the notice of such order has been given, such suit shall be dismissed although limitation has not been set up as a defence.

(3) The Collector may, by general or special order, delegate the powers conferred on him under this section to an Assistant or Deputy Collector or a survey officer as defined in the Bombay Land Revenue Code, 1879.\*

Bom. V  
of 1879.

(4) The formal inquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(5) A person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the <sup>1</sup>[State] Government.

**81.** A covenant concerning any immoveable property for the purposes of this Act entered into with the Corporation by the owner of such property or by any person to whom such property of the Corporation has been transferred by sale or exchange shall be enforceable by the Corporation against any person deriving title under the covenant or notwithstanding that the Corporation is not in possession of, or interested in any immoveable property for the benefit of which the covenant was entered into, in like manner and to the like extent as if it had been possessed of or interested in such property.

Power of Corporation to enforce covenants against owner for the time being of land.

\* See now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>1</sup>[CHAPTER VIII-A.

## POWER TO EVICT PERSONS FROM CORPORATION PREMISES.

Definitions.

**81-A.** In this Chapter—

(a) "Commissioner", in the event of any Corporation having established or acquired, or establishing or acquiring, a Transport Undertaking, in relation to the premises of the Corporation which vest in or are held by it for the purposes of the Transport Undertaking, means the Transport Manager ;

(b) "Corporation premises", means any premises belonging to, or vesting in, or taken on lease by, the Corporation ;

(c) "regulations" means regulations made by the Commissioner under section 81-I ;

(d) "unauthorised occupation" in relation to any Corporation premises, means the occupation by any person of Corporation premises without authority for such occupation; and includes the continuance in occupation by any person of the premises after the authority under which he was allowed to occupy the premises has expired, or has been duly determined.

Power to  
evict  
persons  
from  
Corporation  
premises.

**81-B.** (1) Where the Commissioner is satisfied—

(a) that the person authorised to occupy any Corporation premises has, whether before or after the commencement of the Bombay Provincial Municipal Corporations (Second Amendment) Act, 1969,—

Mah.  
VIII of  
1970.

(i) not paid for a period of more than two months, the rent or taxes lawfully due from him in respect of such premises ; or

(ii) sub-let, contrary to the terms and conditions of his occupation, the whole or any part of such premises ; or

(iii) committed, or is committing, such acts of waste as are likely to diminish materially the value or impair substantially the utility, of the premises ; or

(iv) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises ;

(b) that any person is in unauthorised occupation of any Corporation premises ;

(c) that any Corporation premises in the occupation of any person are required by the Corporation in the public interest, the Commissioner may, by notice served by post, or by affixing a copy of it on the outer door or some other conspicuous part of such premises,

<sup>1</sup> Chapter VIII-A was inserted by Mah. 8 of 1970, s. 2.

or in such other manner as may be provided, for by regulations, order that person, as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(2) Before an order under sub-section (1) is made against any person, the Commissioner shall issue, in the manner hereinafter provided, a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

The notice shall,—

(a) specify the grounds on which the order of eviction is proposed to be made, and

(b) require all persons concerned, that is to say, all persons who are or may be in occupation of, or claim interest in, the Corporation premises, to show cause against the proposed order, on or before such date as is specified in the notice.

If such person makes an application to the Commissioner for the extension of the period specified in the notice, the Commissioner may grant the same on such terms as to payment and recovery of the amount claimed in the notice, as he deems fit.

Any written statement put in by any person and documents produced, in pursuance of the notice, shall be filed with the record of the case, and such person shall be entitled to appear before the Commissioner by advocate, attorney or other legal practitioner.

The notice to be served under this sub-section shall be served in the manner provided for the service of a notice under sub-section (1); and thereupon, the notice shall be deemed to have been duly given to all persons concerned.

(3) If any person refuses or fails to comply with an order made under sub-section (1), the Commissioner may evict that person and any other person who obstructs him and take possession of the premises; and may for that purpose use such force as may be necessary.

(4) The Commissioner may, after giving fourteen clear days' notice to the person from whom possession of the Corporation premises has been taken under sub-section (3) and after publishing such notice in the *Official Gazette* and in at least one newspaper circulating in the locality, remove or cause to be removed, or dispose of by public auction any property remaining on such premises. Such notice shall be served in the manner provided for the service of a notice under sub-section (1).

(5) Where the property is sold under sub-section (4), the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the Commissioner to be entitled to the same :

Provided that, where the Commissioner is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he shall refer such dispute to a Civil Court of competent jurisdiction and the decision of the Court thereon shall be final.

(6) If a person, who has been ordered to vacate any premises under sub-clause (i) or (iv) of clause (a) of sub-section (1), within one month of the date of service of the notice, or such longer time as the Commissioner may allow, pays to the Commissioner the rent and taxes in arrears, or as the case may be, carries out or otherwise complies with the terms contravened by him to the satisfaction of the Commissioner, the Commissioner shall on such terms, if any (including the payment of any sum by way of damages or compensation for the contravention aforesaid), in-lieu of evicting such person under sub-section (3), cancel his order made under sub-section (1); and thereupon such person shall continue to hold the premises on the same terms on which he held them immediately before such notice was served on him.

Power to  
recover rent  
or damages  
as arrears  
of property  
tax.

**81-C.** (1) Subject to any regulations made by the Commissioner in this behalf, but without prejudice to the provisions of section 81-B, where any person is in arrears of rent payable in respect of any Corporation premises, the Commissioner may, by notice served in the manner provided for service of notice under sub-section (1) of section 81-B, order that person to pay the same within such time not less than ten days as may be specified in the notice.

(2) Where any person is in unauthorised occupation of any Corporation premises, the Commissioner may, in the manner and having regard to the principles of assessment of damages provided for by the regulations assess such damages on account of the use and occupation of the premises as he may deem fit, and may, by notice served in the manner referred to in sub-section (1), order that person to pay the damages within such time as may be specified in the notice.

(3) If any person refuses or fails to pay, within the time specified in the notice, the arrears of rent under sub-section (2), or damages under sub-section (2), the Commissioner may recover the amount of rent, or as the case may be, of damages, in the same manner as the general or property tax due from such person.

(4) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling upon him to show cause,

within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Commissioner.

**81-D.** Without prejudice to the provisions of section 81-B, in the case of any person who is an employee of the Corporation and who has been allotted any Corporation premises, the amount of rent due by him in respect of such premises shall, on a requisition in writing made in this behalf by the Commissioner to the Head of the Corporation Department or Officer under whom such person is employed, be liable to be deducted from the salary or wages payable to such person. On receipt of such requisition, the Head of such Department or Officer, as the case may be, shall deduct from the salary or wages payable to such person the amount specified in the requisition and pay the amount so deducted to the Commissioner in satisfaction of the rent due by him.

Rent to be recovered by deduction from salary or wages in case of Corporation employees.

**81-E.** The Commissioner shall, for the purpose of holding any inquiry under this Chapter, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely :—

Commissioner to have powers of Civil Court.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) any other matter which may be prescribed by regulations made under section 81-I.

**81-F.** (1) An appeal shall lie from every order of the Commissioner, made in respect of any Corporation premises, under section 81-B or section 81-C, to an appellate officer, who shall be the District Judge or such other judicial officer in the City of not less than ten years' standing, as the District Judge may designate in this behalf.

Appeals.

(2) An appeal under sub-section (1) shall be preferred,—

- (a) in the case of an appeal from an order under section 81-B, within thirty days from the date of the service of the notice relating to the order under sub-section (1) of that section, and
- (b) in the case of an appeal from an order under section 81-C, within thirty days from the date of the service of the notice relating to the order under sub-section (1) or (2) of that section, as the case may be :

Provided that, the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the

appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Commissioner, the appellate officer may stay the enforcement of that order for such period, and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

Finality of orders.

**81-G.** Save as otherwise expressly provided in this Chapter, every order made by the Commissioner or the appellate officer under this Chapter shall be final, and shall not be called in question in any original suit, application or execution proceeding.

Bar of jurisdiction.

**81-H.** Subject to the provisions of this Chapter, no Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person from any Corporation premises on any of the grounds specified in section 81-B or the recovery of the arrears of rent or the damages payable for use or occupation of such premises.

Power to make regulation.

**81-I.** The Commissioner, with the approval of the Standing Committee, and the Transport Manager, with the approval of the Transport Committee, as the case may be, may make regulations for all or any of the following matters, namely :—

(a) the forms of notices under sections 81-B and 81-C and for prescribing the other manner in which they may be served under those sections;

(b) the holding of inquiries under this Chapter ;

(c) the procedure to be followed in taking possession of any Corporation premises under section 81-B ;

(d) the manner in which the damages under section 81-C may be assessed and the principles which may be taken into account in assessing such damages ;

(e) the manner in which appeals may be preferred under section 81-F and the procedure to be followed in such appeals ;

(f) any other matter which has to be, or may be, prescribed under this Chapter by regulations.

Penalty for obstructing lawful exercise of power under this Chapter.

**81-J.** Any person, who obstructs the lawful exercise of any power conferred by or under this Chapter, shall, on conviction, be punished with fine which may extend to one thousand rupees.

## CHAPTER IX.

## THE MUNICIPAL FUND AND OTHER FUNDS.

*The Municipal Fund.*

Bom.  
LXI of  
1947.

**82.** Subject to the provisions of this Act and the rules and subject to the provisions of section 44 of the Bombay Primary Education Act, 1947,—

Constitution  
of Municipal  
Fund.

(a) all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force, or under any contract,

(b) all proceeds of the disposal of property by or on behalf of the Corporation,

(c) all rents accruing from any property of the Corporation,

(d) all moneys raised by any tax levied for the purposes of this Act,

(e) all fees and fines payable and levied under this Act or under any rule, by-law, regulation or standing order other than fines imposed by a Court,

(f) all moneys received by way of compensation or for compounding offences under the provisions of this Act,

(g) all moneys received by or on behalf of the Corporation from the Government or public bodies, private bodies or private individuals by way of grant or gift or deposit, subject, however, to the conditions, if any, attached to such grant, gift or deposit, and

(h) all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation, shall be credited to a fund which shall be called “ the Municipal Fund ” and which shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions herein contained.

Mah.  
XLI of  
1966.  
Bom. 1  
of 1923.

<sup>1</sup>[**82-A.** The State Government may, under appropriation duly made in this behalf, make a grant to each Corporation every year of such amount as it may, from time to time, determine, having regard to the proceeds of the land revenue and non-agricultural assessment levied and collected under the Maharashtra Land Revenue Code, 1966 and the entertainments duty levied and collected under the \*Bombay Entertainments Duty Act, 1923, by it in the area within the jurisdiction of the Corporation. The grant shall be made in such manner and shall be subject to such terms and conditions, as the State Government may, from time to time, determine. All moneys received by the Corporation by way of such grants shall be credited to the Municipal Fund:

Annual  
grant by  
State  
Government  
from  
proceeds of  
land  
revenue,  
non-  
agricultural  
assessment  
and  
entertainment  
duty.

<sup>2</sup>[Provided that it shall be competent for the State Government to deduct,—

(a) from the grants made by the State Government, or

(b) from any sum representing grant-in-aid or the share of the Corporation in the net proceeds of the taxes, duties, tolls and fees levied by the State and distributed by the State Government on the recommendation of the Finance Commission,

<sup>1</sup> Section 82A was inserted by Mah. 63 of 1975, s. 7.

<sup>2</sup> This proviso was added by Mah. 41 of 1994, s.69.

\* The short title was amended as “ the Maharashtra Entertainments Duty Act ” by Mah. 24 of 2012, Sch.

any amount which is due to the State Government, or to any Government Corporation, a Government Company, or to any other statutory authority constituted by the Government of Maharashtra :

Provided further that before making such deductions, the Corporation's say in the matter shall be considered by Government.]

Commissioner  
to receive  
payments  
on account  
of Municipal  
Fund and to  
lodge them  
in a bank.

**83.** All moneys payable to the credit of the Municipal Fund shall be received by the Commissioner and shall be forthwith paid into the Imperial Bank of India <sup>1</sup>[or any other scheduled bank] <sup>2</sup>[or an approved co-operative bank] to the credit of an account which shall be styled " the account of the Municipal Fund of ..... " :

Provided that the Commissioner may, subject to any general or special directions issued by the Standing Committee, retain such balances in cash as may be necessary for current payments :

<sup>3</sup>[Provided further that the amount of money to be paid into an approved co-operative bank shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

How the  
Fund shall  
be drawn  
against.

**84.** (1) Subject to the provisions of section 449 no payment shall be made by any bank aforesaid out of the Municipal Fund except on a cheque signed by the Chief Accountant or the Deputy Accountant or, if there be no post of Deputy Accountant, by the officer immediately subordinate to the Chief Accountant and by the Commissioner or the Deputy Commissioner or the Assistant Commissioner.

(2) Payment of any sum due by the Corporation in excess of one hundred rupees or such higher amount as the Standing Committee from time to time fixes generally or for any specified class of payments shall be made by means of a cheque signed as aforesaid and not in any other way.

(3) Payments not covered by sub-section (2) may be made by the Commissioner in cash and cheques for sums not in excess of two thousand rupees each, signed as aforesaid, may be drawn from time to time to cover such payments if the amount of cash in hand is insufficient for the purpose.

Deposit of  
portion of  
Municipal  
Fund may  
be made  
with bank  
or agency  
out of City  
when  
convenient.

**85.** Notwithstanding anything contained in sections 83 and 84 the Commissioner may, with the previous approval of the Standing Committee, from time to time, remit to and deposit with a bank or other agency at any place beyond the City any portion of the Municipal Fund, and any moneys payable to the credit of the Municipal Fund or chargeable there-against which can, in the opinion of the Commissioner, be most conveniently paid into or out of the account of the Corporation at any such bank or agency, may be so paid.

<sup>1</sup> These words were substituted for the words "or such other bank or banks as the Corporation, with the previous sanction of the State Government may select" by Bom. 10 of 1953, s. 3.

<sup>2</sup> These words were inserted by Bom. 19 of 1954, s. 4(1).

<sup>3</sup> This proviso was inserted, *ibid.*, s. 4(2).

**86.** (1) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the Municipal Fund, unless the expenditure of the same is covered by a current budget grant, and sufficient balance of such budget grant is still available, notwithstanding any reduction or transfer thereof which may have been made under the rules.

Restriction on expenditure from Municipal Fund.

(2) The following items shall be excepted from the prohibition in sub-section (1), namely :—

(a) sums of which the expenditure has been sanctioned by the Standing Committee under section 102;

(b) temporary payments under section 90 for works urgently required in the public service;

(c) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make;

(d) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the Municipal Fund by mistake;

(e) sums which under any provision of this Act or any other enactment are payable by way of compensation;

(f) sums payable in any of the circumstances mentioned in clause (h) of section 88;

(g) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 319;

(h) costs incurred by the Commissioner under clause (c) of sub-section (3) of section 67.

**87.** Whenever any sum is expended by the Commissioner under clause (e), (f), (g) or (h) of sub-section (2) of section 86 he shall forthwith communicate the circumstances to the Standing Committee, who shall take such action under the rules or recommend the Corporation to take, under section 101 or under the rules, such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Procedure when money not covered by budget grant is expended under clause (e), (f), (g) or (h) of sub-section (2) of section 86.

**88.** The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act or of any other law for the time being in force inclusive of—

Purpose for which Municipal Fund is to be applied.

(a) the expenses of every ward election ;

<sup>1</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

(b) the salary, joining time allowances and other allowances of the Commissioner and of leave and pension contribution, if any, payable on his account to the <sup>1</sup>[State] Government;

(c) the salaries and other allowances of all municipal officers and servants and all contributions to provident funds, pensions, gratuities and compassionate allowances payable under the provisions of this Act or the regulations or of the statement framed under this Act for the time being in force ;

(d) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation ;

(e) the grant payable under section 44 of the Bombay Primary Education Act, 1947, to the Primary Education Fund maintained thereunder for the City ; Bom. XLI of 1947.

(f) the loans advanced under the rules for building purposes ;

(g) any sum chargeable under section 108 ;

(h) every sum payable—

(i) under section 422 or sub-section (1) of section 449 to the <sup>1</sup>[State] Government ;

(ii) under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner, Deputy Commissioner or Assistant Commissioner *ex-officio* ;

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 481 ;

(i) contributions to public institutions ;

(j) expenses incurred on the provision of traffic signs.

Municipal  
Fund where  
to be  
expended.

**89.** Expenditure by the Corporation out of the Municipal Fund shall, save as otherwise provided by this Act, be made within the City only, but may, by a resolution of the Corporation supported by not less than half the total number of councillors, be made outside the City for any of the purposes of this Act.

Temporary  
payments  
from  
Municipal  
Fund for  
works  
urgently  
required for  
public  
service.

**90.** (1) On the written requisition of such officer as the <sup>1</sup>[State] Government may specially authorise in this behalf, the Commissioner may at any time undertake the execution of any work certified by such officer to be urgently required in the public service, and for this purpose may temporarily make payments from the Municipal Fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration.

(2) The cost of all work executed under sub-section (1) and of the establishment engaged in executing the same shall be paid by the <sup>1</sup>[State] Government and credited to the Municipal Fund.

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(3) On receipt of a requisition under sub-section (1) the Commissioner shall forthwith forward a copy thereof to the Corporation, together with a report of the action taken by him thereon.

*Special Funds.*

**91.** The Corporation may constitute such special funds as are prescribed by rules and such other funds as may be necessary for the purposes of this Act. The constitution and disposal of such funds shall be effected in the manner prescribed by rules.

Constitution  
of Special  
Funds.

<sup>1</sup>**91A.** (1) The Corporation shall establish and set apart for the purposes of budget estimate 'C' a separate fund to be called "the Consolidated Water Supply and Sewage Disposal Loan Fund" for the purposes of carrying into effect the provisions of Chapters XII and XIII.

Establishment  
of  
Consolidated  
Water  
Supply and  
Sewage  
Disposal  
Loan Fund.

(2) The following moneys shall be credited to the said Loan Fund, namely :—

(a) any sums borrowed in exercise of the powers conferred by or under this Act for the purposes of Chapters XII and XIII;

(b) such portion of the sinking fund referred to in section 112 as the Corporation may, from time to time, determine.

(3) The fund so established shall be applied for—

(a) the expenditure on capital works for the purposes of Chapters XII and XIII;

(b) the repayment of the loans raised for such capital works.

(4) Any moneys of the said fund, not used or not immediately to be used in accordance with sub-section (3), shall be invested by the Commissioner, on behalf of the Corporation, with the sanction of the Standing Committee, in such manner as he deems fit and proper.

**91B.** (1) The Corporation shall establish and set apart a separate fund to be called "The Water and Sewage Fund".

Establishment  
of Water  
and Sewage  
Fund.

(2) All moneys received by or on behalf of the Corporation under clause (a) or (b) of section 129 or under sections 134 to 138 (both inclusive) or any other moneys received for the purposes of Chapters XII and XIII shall be credited to the Water and Sewage Fund .

(3) All moneys payable to the credit of the said Fund shall be received by the Commissioner and forthwith paid by him into the Bank or Banks approved by the Standing Committee from time to time in this behalf to the credit of account, which shall be styled "the Account of the Water and Sewage Fund":

<sup>1</sup> Sections 91A and 91B were inserted by Mah. 28 of 1990, s. 7.

Provided that, the Commissioner may retain such balance in cash as may be necessary for the purposes of Chapters XII and XIII.

(4) The moneys credited to the said Fund from time to time shall be applied only for payment of all sums, charges and costs necessary for the purposes of carrying into effect the provisions of Chapters XII and XIII.

(5) Surplus moneys at the credit of the said Fund which cannot immediately or at an early date be applied as provided in sub-section (4) may, from time to time, be deposited by the Commissioner at interest in the Bank or Banks approved by the Standing Committee or be invested in public securities.

(6) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation, with the sanction of the Standing Committee, and with the like sanction, the Commissioner may at any time withdraw any deposits so made or dispose of any securities and re-deposit or re-invest the moneys so withdrawn or the proceeds of the disposal of the securities; but no order for making any such deposit or investment or withdrawal or disposal shall have any validity, unless the same be in writing signed by two persons in the manner specified in sub-section (1) of section 84 for signing cheques.

(7) The loss, if any, arising from any such deposit or investment shall be debited to the Water and Sewage Fund. ]

*Disposal of Balances.*

Investment  
of surplus  
money.

**92.** (1) Surplus moneys at the credit of the Municipal Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the Imperial Bank of India <sup>1</sup>[or any other scheduled bank] <sup>2</sup>[or an approved co-operative bank] <sup>3</sup>[or deposited with the State Government or with any statutory corporation approved by the State Government] or be invested in public securities <sup>4</sup>[or in bonds or debentures of the Central Government, State Government, Government undertakings, Government Financial Institutions or Unit Trust of India] :

<sup>5</sup>[Provided that the amount of money to be deposited in an approved co-operative bank shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

<sup>1</sup> These words were substituted for the words and figures "or in any other bank selected by the Corporation with the sanction of the State Government for the purposes of section 83" by Bom. 10 of 1953, s. 4.

<sup>2</sup> These words were inserted by Bom. 10 of 1954, s. 5(1).

<sup>3</sup> This portion was added by Mah. 7 of 1986, s. 3.

<sup>4</sup> These words were inserted by Mah. 32 of 2011, s. 26.

<sup>5</sup> This proviso was inserted by Bom. 19 of 1954, s. 5(2).

(2) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation with the sanction of the Standing Committee and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and redeposit or reinvest the money so withdrawn or the proceeds of the disposal of such securities.

(3) The loss, if any arising from any such deposit or investment shall be debited to the Municipal Fund.

*Accounts.*

Bom.  
LXI of  
1947.

**93.** Subject to the provisions of section 361 of the Bombay Primary Education Act, 1947, and the rules made thereunder, accounts of the receipts and expenditure of the Corporation shall be kept in such manner and in such forms as the Standing Committee shall from time to time direct :

Accounts to be kept in forms prescribed by Standing Committee.

<sup>1</sup>[Provided that, the accounts of the Consolidated Water Supply and Sewage Disposal Loan Fund and the Water and Sewage Fund shall be maintained on the accrual basis, unless otherwise directed by the Standing Committee.]

**94.** (1) The Commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of the City, other than the administration of the Transport Undertaking, during the previous official year, together with a statement showing the amount of the receipts and disbursements credited and debited to the Municipal Fund during the said year and the balance at the credit of the Fund at the close of the said year and shall submit the same to the Standing Committee.

Preparation of annual administration report and statement of accounts.

(2) The report shall be in such form and shall contain such information as the Standing Committee may from time to time direct.

(3) After examination and review of the report and statement by the Standing Committee a printed copy of such report and statement together with copy of the Committee's review shall be forwarded to the usual or last known local place of abode of each councillor by such date as the Standing Committee may from time to time prescribe and copies thereof shall be placed on sale at the municipal office at such price as the Commissioner may fix.

*Annual Budget Estimate.*

**95.** The Commissioner shall each year on or before such date as the Corporation may from time to time prescribe have prepared and lay before the Standing Committee, in such form as the Committee shall from time to time approve,—

Estimates of income and expenditure to be prepared annually by Commissioner.

(a) an estimate, classified in accordance with the rules, of the expenditure when must or should, in his opinion, be incurred by the Corporation in the next official year from the Municipal Fund including

<sup>1</sup> The proviso was added by Mah. 28 of 1990, s. 8.

the amount of grant payable by the Corporation to the Primary Education Fund, and of the amounts, if any, which should, in his opinion be credited to, or expended from, a special fund; <sup>1</sup>[including the Funds established under sections 91A and 91B];

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the official year ;

(c) an estimate of the Corporation's receipts and income for the next official year other than from taxation and from the Transport Undertaking ;

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next official year and an estimate of the receipts from taxation ;

(e) an estimate of the amounts due to be transferred during the next official year from the Transport Fund :

<sup>2</sup>[Provided that a separate estimate of the income and expenditure of the Corporation for the next official year in respect of services under Chapter XII and Chapter XIII shall be prepared.]

*Explanation.*—The balance, if any, available in any special fund shall not be deemed to be available for reappropriation or expenditure at the commencement of the next official year under clause (b) except in relation to expenditure which may be met from such fund under the rules, and the Commissioner shall determine whether the whole or any part of such balance shall be taken into account as available for such expenditure at the commencement of the next official year.

Report on  
services  
provided in  
a subsidised  
manner.

<sup>3</sup>[**95A.** (1) Notwithstanding anything contained in this Chapter, the Commissioner or, as the case may be, the Transport Manager, shall, while submitting the budget estimates to the Standing Committee, append thereto, a report indicating whether the following services were provided in the last preceding year in a subsidised manner and, if so, the extent of the subsidy, the source from which the subsidy was met and the sections or categories of the local population who were the beneficiaries of such subsidy, namely :—

- (a) water supply and disposal of sewage,
- (b) scavenging, transporting and disposal of wastes,
- (c) municipal transport, and
- (d) street lighting.

<sup>1</sup> These words, figures and letters were added by Mah. 28 of 1990, s. 9.

<sup>2</sup> This proviso was inserted by Mah. 41 of 1994, s. 70.

<sup>3</sup> Section 95A was inserted, *ibid*, s. 71.

(2) The Standing Committee or, as the case may be, the Transport Committee shall examine the report and place it before the Corporation with its recommendations, if any.

*Explanation.*—A service shall be construed as being provided in a subsidised manner if its total cost, comprising the expenditure on operation and maintenance and adequate provision for depreciation of assets and for debt servicing, exceeds the income relatable to the rendering of that service.]

**96.** (1) The Standing Committee shall consider the estimates and proposals of the Commissioner and after having obtained from the Commissioner such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom subject to such modifications and additions therein or thereto as it thinks fit a Budget Estimate to be called “budget estimate ‘A’ ” of the income and expenditure of the Corporation other than the income and expenditure in respect of the Transport Undertaking for the next official year.

Budget estimates to be prepared by Standing Committee.

(2) In budget estimate “A” the Standing Committee shall—

(a) propose with reference to the provisions of Chapter XI such rates and extent of municipal taxes as it thinks fit;

(b) allow for the appropriation to any special fund of the sum estimated by the Commissioner, revised as it thinks proper ;

(c) provide for payment, as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act other than sums and instalments of principal, and interest for which the Corporation may be liable by reason of the acquisition, extension, administration, operation and maintenance of the Transport Undertaking ;

(d) provide for such expenditure, if any, as it considers necessary to defray from the balance in any special fund ;

(e) allow for a cash balance at the end of the said year exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such smaller amount as the <sup>1</sup>[State] Government may from time to time approve.

(3) The Commissioner shall cause the budget estimate framed by the Standing Committee to be printed and shall, by such date as the Corporation may from time to time prescribe, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

(4) The budget estimate framed by the Standing Committee shall be laid before the Corporation and it shall proceed to consider the same within fifteen days of the date referred to in sub-section (3).

<sup>1</sup> This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

Estimates of expenditure and income of the Transport Undertaking to be prepared annually by Transport Manager.

**97.** The Transport Manager shall each year, on or before such date as the Corporation may from time to time fix, have prepared and lay before the transport Committee, in such forms as the Committee shall from time to time approve,—

(a) an estimate, classified in accordance with the rules, of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing official year on account of the Transport Undertaking and of the amounts, if any, which should in his opinion be credited to, or expended from, a special fund;

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next ensuing official year, and an estimate of the amounts to be transferred to the Municipal Fund during the next ensuing financial year under sections 359 and 360;

(c) an estimate of the Corporation's receipts and income from the Transport Undertaking in the next ensuing official year.

*Explanation.*—The balance, if any, available in any special fund shall not be deemed to be available for reappropriation or expenditure at the commencement of the next official year under clause (b) except in relation to expenditure which may be met from such fund under the rules, and the Transport Manager shall determine whether the whole or any part of such balance shall be taken into account as available for expenditure at the commencement of the next official year.

Budget Estimate 'B' to be prepared by Transport Committee.

**98.** (1) The Transport Committee shall consider the estimates of the Transport Manager and, after having obtained from the Transport Manager such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate, to be called "budget" estimate 'B' of the income and expenditure for the next official year to be received and incurred in respect of the Transport Undertaking.

(2) In budget estimate 'B' the said Committee shall—

(a) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act by reason of the acquisition, extension, administration, operation and maintenance of the Transport Undertakings;

(b) allow for the appropriation to any special fund of the sum estimated by the Transport Manager, revised as it thinks proper ;

(c) allow for amounts to be transferred during the next ensuing official year to the Municipal Fund as provided in sections 359 and 360 ;

(d) provide for such expenditure, if any, as it considers necessary to defray from the balance in any special fund ;

(e) allow for cash balance at the end of the said year exclusive of the balance, if any, of any special fund of not less than one lakh of rupees or such smaller amount as the Corporation may from time to time fix.

(3) The Transport Manager shall lay budget estimate 'B' as framed by the Transport Committee before the Standing Committee on or before such date as the Corporation may from time to time fix in this behalf and the Standing Committee shall prepare a report to the Corporation thereon, incorporating the remarks and recommendations, if any, of the Standing Committee.

(4) The Municipal Secretary shall cause budget estimate 'B' and the report of the Standing Committee thereon to be printed and shall, not later than such date as the Corporation may from time to time fix in this behalf, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

**99.** The Corporation shall, on or before the twentieth day of February, after considering the Standing Committee's proposals in this behalf, determine, subject to the limitations and conditions prescribed in Chapter XI, the rates at which municipal taxes referred to in sub-section (1) of section 127 shall be levied in the next ensuing official year and the rates at and the extent to which any of the taxes referred to in sub-section (2) of the said section <sup>1</sup>[excluding local body tax under clause (aaa) thereof] which the Corporation decides to impose shall be levied in the next ensuing official year.

Fixing of rates of taxes.

<sup>2</sup>**[99A.]** In the event of the Corporation deciding first time to levy cess specified, in clause (aa) of sub-section (2) of section 127, if the cess cannot, by following the provisions of section 99 and the other relevant provisions of this Act, be brought into force on the 1st day of April of any year, then in that case, notwithstanding anything contained in section 99, the Corporation may, in a special meeting called for the purpose, determine, subject to the limitation and conditions prescribed in Chapter XIA and the rules, the rates at and the extent to which and the date from which, the cess shall be levied; and thereupon, the cess shall be levied at the rates and from the date so determined, and all the relevant provisions of this Act shall, as far as may be, apply to the cess as if the procedure prescribed by section 99, and the other provisions of this Act had been followed.]

Provisions of section 99 not to apply to cess to be first levied.

<sup>1</sup> These words, brackets and letters were inserted by Mah. 27 of 2009, s. 3.

<sup>2</sup> Section 99A was inserted by Mah. 3 of 1996, s. 3.

Determination  
of categories  
of goods for  
Local Body  
Tax.

<sup>1</sup>[**99B.** The State Government shall, on or before the twentieth day of the February each year, after considering the proposal of the Commissioner in this behalf, and subject to the limitations and conditions prescribed in Chapter XIB, determine the rates and the extent to which the taxes referred to in clause (aaa) of sub-section (2) of section 127, shall be levied, for various categories of goods in the next ensuing official year and notify such rates and extent in the *Official Gazette*.

Provisions  
of section  
99B not to  
apply to  
Local Body  
Tax to be  
first levied.

**99C.** In the event it is decided first time to levy Local Body Tax specified in clause (aaa) of sub-section (2) of section 127, if the Local Body Tax cannot, by following the provisions of section 99B and the other relevant provisions of this Act, be brought into force on the 1st day of April of any year, then in that case, notwithstanding anything contained in section 99B, the State Government may, by notification in the *Official Gazette*, subject to the limitations and conditions laid down in Chapter XIB and the rules, determine the rates at and the extent to which and the date from which, the Local Body Tax shall be levied; and thereupon, the Local Body Tax shall be levied at the rates, extent and from the date so notified, and all the relevant provisions of this Act shall, so far as may be, apply to the Local Body Tax as if the procedure laid down by section 99B and the other provisions of this Act had been followed.]

Power of  
State  
Government  
to revise  
rates of  
Local Body  
Tax.

<sup>2</sup>[**99D.** (1) Notwithstanding anything contained in section 99B or 99C, the State Government may at any time, by notification in the *Official Gazette* and for reasons to be specified in such notification revise the rates and extent of the Local Body Tax determined under section 99B, or, as the case may be, under section 99C.

(2) Every notification issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.]

Final  
adoption of  
budget  
estimates.

**100.** Subject to the requirements of section 99, the Corporation may refer budget estimate 'A' <sup>3</sup>[or, budget estimate 'C' as the case may be,] back to the Standing Committee and budget estimate 'B' back to the Transport Committee for further consideration, or adopt the budget estimates or any revised budget estimates submitted to it, either as they stand or subject to such alterations as it deems expedient :

Provided that the budget estimates finally adopted by the Corporation shall fully provide for each of the matters specified in clauses (c) and (e) of

<sup>1</sup> Sections 99B and 99C were inserted by Mah. 27 of 2009, s. 4.

<sup>2</sup> Section 99D was inserted by Mah. 27 of 2010, s. 10.

<sup>3</sup> These words and letter were inserted by Mah. 28 of 1990, s. 11 (a).

<sup>1</sup>[sub-section (2) and for the matters specified in clause (c) of sub-section (2A) of section 96] and for each of the matters specified in clauses (a), (c) and (e) of sub-section (2) of section 98, as the case may be :

Provided further that if the budget estimate are not finally adopted by the Corporation on or before the thirty-first day of March the estimates as recommended by the Standing Committee or the Transport Committee, as the case may be, shall be deemed to be budget estimate finally adopted by the Corporation until the estimates are so adopted.

<sup>2</sup>[100A. Notwithstanding anything contained in this Act, if for any reason the Standing Committee has not laid budget estimates before Corporation, due to which or otherwise the Corporation has not finally adopted the budget estimates before the commencement of the official year to which they relate, the estimates of income and expenditure prepared by the Commissioner under section 95 shall be deemed to be the budget estimates for the year until the Corporation duly adopts the budget estimates as per the provisions of this Act.]

Estimates of income and expenditure deemed to be budget estimates.

**101.** (1) On the recommendation of the Standing Committee in the case of expenditure from the Municipal Fund and the Transport Committee in the case of expenditure from the Transport Fund, the Corporation may from time to time during an official year increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year exclusive of the balance, if any, of any special fund shall be reduced below one lakh of rupees or such other amount as may have been fixed for the time being by the Corporation in the case of either the Municipal Fund or the Transport Fund.

Corporation may increase amount of budget grants and make additional grants.

(2) Such increased or additional budget grants shall be deemed to be included in the budget estimates adopted by the Corporation for the year in which they are made.

**102.** If the whole budget grant or any portion thereof remains unexpended at the close of the year in the budget estimates for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the Municipal Fund or the Transport Fund, as the case may be, entered in the budget estimates of any of the two following years, the Standing Committee or the Transport Committee, as the case may be, may sanction the expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object.

Provisions as to unexpended budget grants.

<sup>1</sup> These words, brackets, figures and letters were substituted for the words, brackets and figures "sub-section (2) of section 96" by Mah. 28 of 1990, s. 11(b).

<sup>2</sup> Section 100A was inserted by Mah. 32 of 2011, s. 27.

Reductions  
or transfers.

**103.** Reduction in and transfers from one budget head to another or within a budget head shall be made in accordance with the rules.

Readjustment  
of income  
and  
expenditure  
to be made by  
the  
Corporation  
during  
course of  
official year  
wherever  
necessary.

**104.** (1) If it shall at any time during any official year appear to the Corporation upon the representation of the Standing Committee or the Transport Committee that, notwithstanding any reduction of budget grants that may have been made by the Appropriate Committee under the rules, the income of the Municipal Fund or the Transport Fund, as the case may be, during the said year will not suffice to meet the expenditure sanctioned in the budget estimates of the said year as so reduced and to leave at the close of the year a cash balance exclusive of the balance, if any, of any Special Fund of not less than one lakh of rupees or such other amount as may have been fixed for the time being by the Corporation in the case of either the Municipal Fund or the Transport Fund, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for proportioning the year's income to the expenditure.

(2) For this purpose the Corporation may diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to the provisions of this Act or to the obligations pertaining to the Transport Undertaking, or have recourse to supplementary taxation or a revision of fares and charges levied in respect of the Transport Undertaking, as the case may be.

*Scrutiny and Audit of Accounts.*

Weekly  
scrutiny of  
accounts by  
Municipal  
Chief  
Auditor and  
scrutiny of  
accounts by  
the  
Standing  
Committee.

**105.** (1) The Municipal Chief Auditor shall conduct a weekly examination and audit of the municipal accounts and shall report thereon to the Standing Committee who may also from time to time and for such period as it thinks fit conduct independently an examination and audit of the municipal accounts.

(2) For these purposes the Standing Committee and the Municipal Chief Auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the Standing Committee or the Municipal Chief Auditor any explanation concerning receipts and disbursements which they may call for.

Report by  
the Chief  
Auditor.

**106.** (1) The Municipal Chief Auditor shall—

(a) report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of money due to the Corporation or in the municipal accounts ;

(b) furnish to the Standing Committee such information as the said Committee shall from time to time require concerning the progress of the audit.

(2) The Standing Committee shall cause to be laid before the Corporation every report made by the Municipal Chief Auditor to the Standing Committee and every statement of the views of the Municipal Chief Auditor or any matter affecting the pursuance and exercise of the duties and powers assigned to him under this Act which the Municipal Chief Auditor may require the Standing Committee to place before the Corporation, together with a report stating what orders have been passed by the Standing Committee upon such report or statement, and the Corporation may take such action in regard to the matters aforesaid as the Corporation may deem necessary.

(3) As soon as may be after the commencement of each official year the Municipal Chief Auditor shall deliver to the Standing Committee a report upon the whole the municipal accounts for the previous official year.

(4) The Commissioner shall cause the said report to be printed and forward a copy thereof to each councillor along with the printed copy of the Administration Report and Statement of Accounts referred to in section 94.

**107.** Sections 105 and 106 shall apply to the accounts of the Transport Fund as if—

Application of sections 105 and 106 to accounts of Transport Fund.

(i) for the words “Standing Committee” wherever they occur the words “Transport Committee” and for the word “Commissioner” wherever it occurs the words “Transport Manager” had been substituted; and

(ii) for the figures “94” in sub-section (4) of section 106 the figures “362” had been substituted.

<sup>1</sup>[**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 the Director, Local Fund Accounts Audit of such audit, the State Government shall forward it to the Commissioner. The Commissioner shall cause, the 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 Accounts Audit.

Bom. XXV of 1930.

**108.** (1) The <sup>2</sup>[State] Government may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts including the accounts of the Transport Undertaking and of reporting thereon to the <sup>2</sup>[State] Government and the costs of any such audit as determined by the <sup>2</sup>[State] Government shall be chargeable to the Municipal Fund or the Transport Fund, as the case may be.

A special audit may be directed by <sup>2</sup>[State] Government.

(2) An auditor so appointed may exercise any power which the Municipal Chief Auditor may exercise.

<sup>1</sup> Section 107A was inserted by Mah. 12 of 2011, s. 6.

<sup>2</sup> This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

## CHAPTER X.

## BORROWING POWERS.

Powers of  
Corporation  
to borrow  
money.

**109.** (1) The Corporation may, with the previous sanction of the <sup>1</sup>[State] Government, from time to time, borrow or re-borrow and take up at interest by the issue of debentures or otherwise on the security of any immovable property vested in the Corporation or proposed to be acquired by it under this Act or of all the taxes or of any tax which it is authorised to levy for the purposes of this Act or the Transport Undertaking, or of all or any of those securities any sum necessary for the purpose of—

(a) defraying any costs, charges or expenses, incurred or to be incurred by it in the execution of this Act ;

(b) for discharging any loan contracted under this Act or any other loan or debt for the repayment of which the Corporation is liable ;

(c) generally for carrying out the purposes of this Act, including the advance of loans authorised thereunder :

Provided that —

(i) no loan shall be raised for the execution of any work other than permanent work, which expression shall include any work of which the cost should, in the opinion of the <sup>1</sup>[State] Government, be spread over a term of years ;

(ii) no loan shall be raised unless the <sup>1</sup>[State] Government has approved the terms on and the method by which the loan is to be raised and repaid ;

(iii) the period within which the loan is to be repaid shall in no case exceed sixty years, and, where a loan is raised for the repayment of a previous loan, the period within which the subsequent loan is to be repaid shall not extend beyond the unexpired portion of the period fixed for the repayment of the original loan, unless the <sup>1</sup>[State] Government so directs, and shall in no case extend beyond the period of sixty years from the date on which the original loan was raised.

(2) When any sum of money has been borrowed or re-borrowed under sub-section (1)—

(a) no portion thereof shall, without the previous sanction of the <sup>1</sup>[State] Government, be applied to any purpose other than that for which it was borrowed ; and

(b) no portion of any sum of money borrowed or re-borrowed for the execution of any work shall be applied to the payment of salaries

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<sup>1</sup> This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

or allowances of any municipal officers or servants other than those who are exclusively employed upon the work for the construction of which the money was borrowed :

Provided that, such share of the cost on account of the salaries and allowances of municipal officers or servants employed in part upon the preparation of plans and estimates or the construction or supervision of or upon the maintenance of the accounts of such work as the Standing Committee may fix may be paid out of the sum so borrowed or re-borrowed.

<sup>1</sup>[109A. Notwithstanding anything contained in section 109, except with the prior approval of the State Government, neither any internal loan shall be taken by the Corporation from any of the funds created by the Corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the Corporation.]

Restrictions on utilisation of funds created by Corporation.

110. Notwithstanding anything contained in section 109 the Corporation may borrow for the purposes of this Act from any bank or banks in which the surplus money at the credit of the Municipal Fund or the Transport Fund may be deposited, against any public securities in which for the time being the cash balances of the Corporation may be invested.

Power of Corporation to borrow from banks against public securities.

111. Every loan raised by the Corporation under section 109 shall be repaid within the time approved under proviso (ii) to sub-section (1) of the said section and by such of the following methods as may be approved under the said proviso, namely :—

When and how loan shall be repaid.

(a) by payment from a sinking fund established under section 112 in respect of the loan ;

(b) by equal payments of principal and interest ;

(c) by equal payments of principal ;

(d) in the case of a loan borrowed before the appointed day by annual drawings if such method was in operation for the repayment of such loan immediately before such day ;

(e) from any sum borrowed for the purpose under section 109(1)(b) ;  
or

(f) partly from a sinking fund established under section 112 in respect of the loan and partly from money borrowed for the purpose under section 109 (1)(b).

112. (1) Whenever the repayment of a loan from a sinking fund has been sanctioned under proviso (ii) to sub-section (1) of section 109, the Corporation shall establish such a fund and shall pay into it, on such dates as may have been approved under the said proviso, such sum as

Maintenance and application of sinking fund.

<sup>1</sup> Section 109A was inserted by Mah. 32 of 2011, s.28.

will, with accumulations of compound interest, be sufficient after payment of all expenses to pay off the loan within the period approved :

Provided that if at any time the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that is allowed to accumulate at compound interest it will be sufficient to repay the loan within the period approved, then with the permission of the <sup>1</sup>[State] Government further payments into such fund may be discontinued.

(2) The Corporation may apply a sinking fund, or any part thereof, in or towards the discharge of the loan for which such fund was established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose.

Investment  
of sinking  
fund.

**113.** (1) All money paid into a sinking fund shall within one month of the date on which the payment was due to be made under sub-section (1) of section 112 be invested in public securities.

(2) All interest and other sums received in respect of any such investment shall be paid into the sinking fund and shall, within one month of receipt, be invested in the manner prescribed by sub-section (1).

(3) Money standing to the credit of two or more sinking funds may, at the discretion of the Corporation, be invested in a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investment among the several sinking funds.

(4) When any part of a sinking fund is invested in debentures issued by the Corporation or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debenture or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (1).

(5) Any investment made under sub-section (1) may be varied from time to time or may be transferred from one sinking fund to another :

Provided that the fund from which the transfer is made shall be reimbursed the value of such investment as on the date on which the transfer is made.

(6) During the year in which the loan for the repayment of which a sinking fund is established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the Corporation in such form as it thinks fit.

Investment  
of sinking  
fund and  
surplus  
moneys in  
debentures  
issued by  
Corporation.

**114.** (1) In respect of any sinking funds which by this Act the Corporation is directed or authorised to invest in public securities and in respect of any surplus moneys which by this Act the Commissioner or the Transport Manager on behalf of the Corporation is empowered to invest in like securities, it shall be lawful for the Corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the <sup>1</sup>[State] Government shall have been duly obtained :

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Provided that the intention so to reserve and set apart such debentures shall have been notified to the <sup>1</sup>[State] Government as a condition of the issue of the loan.

(2) The issue of any such debentures direct to and in the name of the Municipal Commissioner or the Transport Manager of the Transport Undertaking on behalf of the Corporation shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation or to the Commissioner or Transport Manager on behalf of the Corporation of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

**115.** (1) All sinking funds established or maintained under this Act shall be subject to annual examination by <sup>2</sup>[the Chief Auditor, Local Fund Accounts] who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom. Annual examination of sinking funds.

(2) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

(3) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except in the case of debentures issued under this Act or for any loan raised before the appointed day for which the Corporation is liable which shall always be valued at par, provided that, the Corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of repayment of the loan.

(4) The Corporation shall forthwith pay into any sinking fund any amount which <sup>2</sup>[the Chief Auditor, Local Fund Accounts] may certify to be deficient, unless the <sup>1</sup>[State] Government specially sanctions a gradual readjustment.

(5) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit, <sup>2</sup>[the Chief Auditor, Local Fund Accounts] shall certify the amount of such excess sum and the Corporation may thereupon transfer the excess sum to the Municipal Fund :

<sup>1</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>2</sup> These words were substituted for the words " the Accountant General, Bombay," by Mah. 42 of 1976, s.18.

Provided that the Corporation may transfer such excess sum or portion thereof as it may determine to the Transport Fund if the sinking fund from which the transfer is made pertains to a loan which has been raised in whole or part for the purposes of the Transport Undertaking.

(6) If any dispute arises as to the accuracy of any certificate made by <sup>1</sup>[the Chief Auditor, Local Fund Accounts] under sub-sections (4) and (5) the Corporation may, after making the payment or transfer, refer the matter to the <sup>2</sup>[State] Government, whose decision shall be final.

Provisions  
for loans  
raised  
before the  
appointed  
day.

**116.** In the case of all loans raised before the appointed day for which the Corporation is liable the following provisions shall apply :—

(a) if when such loans were raised the loans were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums on such dates as may have been fixed when the loans were raised ;

(b) all securities and cash held on the date immediately preceding the appointed day in sinking funds established for the repayment of such loans shall be held by the Corporation as part of the sinking funds established under clause (a) ;

(c) the provisions of section 112 shall apply to such sinking funds ;

(d) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Corporation shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised ;

(e) the provisions of section 117 shall apply to such loans.

Attachment  
of Municipal  
Fund or  
Transport  
Fund in  
default of  
repayment  
of loan.

**117.** (1) If any money borrowed by the Corporation or any interest or costs due in respect thereof is or are not repaid according to the conditions of the loan, the <sup>2</sup>[State] Government, if it has itself given the loan, may, and in other cases shall, on the application of the lender, attach the Municipal Fund or the Transport Fund or a portion of the Municipal Fund or the Transport Fund.

(2) After such attachment no person, except an officer appointed in this behalf by the <sup>2</sup>[State] Government, shall in any way deal with the attached Fund or portion thereof ; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place and may apply the proceeds in satisfaction of the arrears and of all interest and cost due in respect thereof and of all expenses caused by the attachment and subsequent proceedings :

Provided that, no such attachment shall defeat or prejudice any debt for which the Fund or portion thereof attached was previously pledged

<sup>1</sup> These words were substituted for the words " the Accountant General, Bombay," by Mah. 42 of 1976, s. 18.

<sup>2</sup> This word was substituted for the word " Provincial" by the Adaptation of Laws Order, 1950.

in accordance with law, and all such prior charges shall be paid out of the proceeds of the Fund or portion thereof before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

**118.** (1) Debentures issued under this Act shall be in such form as the Corporation may with the previous sanction of the <sup>1</sup>[State] Government from time to time determine. Form of debentures.

(2) The holder of any debenture in any form duly authorised under sub-section (1) may obtain in exchange therefor upon such terms as the Corporation shall from time to time determine, a debenture in any other form so authorised.

(3) Every debenture issued by the Corporation under this Act shall be transferable by endorsement.

(4) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder for the time being without any preference by reason of some of such debentures being prior in date to others.

**119.** All coupons attached to debentures issued under this Act shall be signed by the Chairman of the Standing Committee and the Commissioner on behalf of the Corporation and such signatures may be engraved, lithographed or impressed by any mechanical process. Coupons attached to debentures to bear signature of Chairman of Standing Committee and Commissioner.

IX of  
1872.

**120.** Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872— Debentures issued to two or more persons jointly.

(1) when any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of such persons :

Provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased person against such survivor or survivors;

(2) when two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security unless notice to the contrary has been given to the Corporation by any other of such persons.

**121.** (1) When a debenture issued under this Act is alleged to have been lost, stolen or destroyed either wholly or in part and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Commissioner, and on Issue of duplicate securities.

<sup>1</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

producing proof to his satisfaction of the loss, theft or destruction and of the justice of the claim, obtain from him an order—

(a) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (2),—

(i) for the payment of interest in respect of the debenture . pending the issue of a duplicate debenture, and

(ii) for the issue of a duplicate debenture payable to the applicant, or

(b) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (2),—

(i) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(ii) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.

(2) An order shall not be passed under sub-section (1) until after the issue of such notification of the loss, theft or destruction of the debenture as may be prescribed by the Corporation, and after the expiration of such period as may be prescribed by the Corporation nor until the applicant has given such indemnity as may be required by the Corporation against the claims of all persons deriving title under the debenture lost, stolen or destroyed.

(3) A list of the debentures in respect of which an order is passed under sub-section (1) shall be published in the *Official Gazette*.

(4) If at any time before the Corporation becomes discharged under the provisions of section 124 from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.

Renewal of  
debentures.

**122.** (1) A person claiming to be entitled to a debenture issued under this Act may, on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be prescribed by the Commissioner, obtain a renewed debenture payable to the person applying.

(2) Where there is a dispute as to the title to a debenture issued under this Act in respect of which an application for renewal has been made, the Commissioner may—

(a) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such debenture, issue a renewed debenture in favour of such party,

(b) refuse to renew the debenture until such a decision has been obtained, or

(c) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of sub-section (1), unless within that period he has received notice that proceedings have been instituted by any person in a Court of competent jurisdiction for the purpose of establishing a title to such debenture.

*Explanation.*—For the purposes of this sub-section the expression “final decision” means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(3) For the purposes of the inquiry referred to in sub-section (2) the Commissioner may himself record, or may request <sup>1</sup>[the Presidency Magistrate specially empowered by the State Government, in Greater Bombay, and elsewhere, the District Magistrate] to record or to have recorded, the whole or any part of such evidence as the parties may produce. The Magistrate to whom such request has been made may himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(4) The Commissioner or any Magistrate acting under this section may, if he thinks fit, record evidence on oath.

**123.** (1) When a renewed debenture has been issued under section 122 in favour of any person, the debenture so issued shall be deemed to constitute a new contract between the Corporation and such person and all persons deriving the title thereafter through him.

Liability in respect of debenture renewed.

(2) No such renewal shall affect the rights as against the Corporation of any other person to the debenture so renewed.

**124.** When a duplicate debenture has been issued under section 121 or when a renewed debenture has been issued under section 122 or when the principal sum due on a debenture in respect of which an order has been made under section 121 for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the Corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued or in respect of which such payment has been made, as the case may be—

Discharge in certain cases.

(a) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 121 or from the date of the last payment of interest on the original debenture, whichever date is later ;

<sup>1</sup> These words were substituted for the words beginning with the words “the Chief Presidency Magistrate” and ending with the words “First Class” by Bom. 8 of 1954, s.2, Schedule—Part III.

(b) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof ; and

(c) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 121.

Indemnity **125.** Notwithstanding anything in section 122, the Commissioner may in any case arising thereunder —

(1) issue a renewed debenture upon receiving such indemnity in favour of the Corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(2) refuse to issue a renewed debenture unless such indemnity is given.

Annual statement to be prepared by Commissioner. **126.** (1) The Commissioner shall, at the end of each year, prepare a statement showing—

(a) the loans borrowed in previous years for which the Corporation is liable and which have not been completely repaid before the commencement of the year, with particulars of the amount outstanding at the commencement of the year, the date of borrowing and the annual loan charges ;

(b) the loans borrowed by the Corporation in the year with particulars as to the amount and the date of borrowing and the annual loan charges ;

(c) in the case of every loan for which a sinking fund is maintained the amount of accumulation on the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year ;

(d) the loans repaid in the year and in the case of the loans repaid in instalments or by annual drawings, the amounts repaid in the year, and the balance due at the close of the year ;

(e) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the *Official Gazette* and a copy of such statement shall be sent to the <sup>1</sup>[State] Government and to the Accountant General, Bombay.

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<sup>1</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

## CHAPTER XI.

## MUNICIPAL TAXATION.

**127.** (1) For the purposes of this Act, the Corporation shall impose the following taxes, namely :—

Taxes to be imposed under this Act.

- (a) property taxes ;
- (b) a tax on vehicles, boats and animals.

(2) In addition to the taxes specified in sub-section (1) the Corporation may for the purposes of this Act and subject to the provisions thereof impose any of the following taxes, namely :—

- (a) octroi ;

<sup>1</sup>[(aa) a cess on entry of goods into the limits of the City for the consumption, use, or sale therein to be levied in lieu of octroi with the previous sanction of the State Government ;]

<sup>2</sup>[Provided that, the State Government may, by notification in the *Official Gazette*, direct the Corporation to levy the cess on the entry of the goods into the City for consumption, use or sale therein, in lieu of octroi ;]

<sup>3</sup>[(aaa) Local Body Tax on the entry of the goods into the limits of the City for consumption, use or sale therein, in lieu of octroi or cess, if so directed by the State Government by notification in the *Official Gazette* ;]

4 \*                      \*                      \*                      \*                      \*                      \*                      \*

- (c) a tax on dogs ;

- (d) a theatre tax ;

- (e) a toll on animals and vehicles, <sup>5</sup>\*                      \*                      \*                      \*

entering the City ;

<sup>\*</sup>[(f) any other tax <sup>6</sup>[(not being a tax on profession, trades, callings and employments),] which the <sup>7</sup>[State] Legislature has power under the <sup>8</sup>[Constitution] to impose in the <sup>7</sup>[State].

<sup>1</sup> This clause was inserted by Mah. 3 of 1996, s. 4.

<sup>2</sup> This proviso was added by Mah. 4 of 2009, s. 3.

<sup>3</sup> Clause (aaa) was inserted by Mah. 27 of 2009, s. 5.

<sup>4</sup> Clause (b) was deleted by Mah. 16 of 1975, Schedule II.

<sup>5</sup> The words and figures “other than motor vehicles or trailers, save as provided in section 14 of the Bombay Motor Vehicles Tax Act, 1935” were deleted by Bom. 65 of 1958, s. 25, Third Schedule.

<sup>6</sup> These brackets and words were inserted by Mah. 16 of 1975, Schedule II.

<sup>7</sup> This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

<sup>8</sup> This word was substituted for the portion “Government of India Act, 1935”, *ibid.*

<sup>\*</sup> Clause (f) of sub-section (2) and sub-section (4) of section 127 stand unmodified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

<sup>1</sup>[(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2), no tax or toll shall be levied on motor vehicles save as provided in section 20 of the Bombay Motor Vehicles Tax Act, 1958]. Bom. LXV of 1958.

(3) The municipal taxes shall be assessed and levied in accordance with the provisions of this Act and the rules.

<sup>\*</sup>(4) Nothing in this section shall authorise the imposition of any tax which the <sup>2</sup>[State] Legislature has no power to impose in the <sup>2</sup>[State] under the <sup>3</sup>[Constitution].

Manner of recovering municipal taxes.

**128.** A municipal tax may be recovered by the following processes in the manner prescribed by rules :—

(1) by presenting a bill,

(2) <sup>4</sup>\* \* \*

(3) by distraint and sale of a defaulter's movable property,

(4) by the attachment and sale of a defaulter's immovable property,

(5) in the case of octroi and toll, by the seizure and sale of goods and vehicles,

(6) in the case of property tax by the attachment of rent due in respect of the property,

(7) by suit.

#### *Property Taxes.*

<sup>5</sup>[*Property taxes leviable on reteable value or capital value.*]

Property taxes what to consist.

<sup>6</sup>[**128A.** (1) Property taxes leviable on buildings and lands in the City under this Act shall include water tax, water benefit tax, sewerage tax, sewerage benefit tax, general tax, education cess, street tax and betterment charges.

(2) For the purposes of levy of property taxes, the expression “ building ” includes a flat, a *gala*, a unit or any portion of the building.

<sup>1</sup> This sub-section was inserted by Bom. 65 of 1958, s. 25, Third Schedule.

<sup>2</sup> This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

<sup>3</sup> This word was substituted for the portion “Government of India Act, 1935”, *ibid.*

<sup>4</sup> Clause (2) was deleted by Mah. 10 of 2010, s. 2 (1).

<sup>5</sup> This heading was substituted for the heading “*Property Taxes leviable*”, *ibid.*, s. 2 (2).

<sup>6</sup> Section 128A was inserted, *ibid.*, s. 3.

<sup>\*</sup> Clause (f) of sub-section (2) and sub-section (4) of section 127 stand unmodified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

(3) All or any of the property taxes may be imposed on a graduated scale.

(4) Save as otherwise provided in this Act, it shall be lawful for the Corporation to continue to levy all or any of the property taxes on the rateable value of buildings and lands until the Corporation adopts levy of any or all the property taxes on such buildings and lands on the capital value thereof under sub-section (2) of section 129.]

**129.** <sup>2</sup>[(1)] <sup>3</sup>[The following property taxes shall, subject to the exceptions, limitations and conditions hereinafter provided, be levied on buildings and lands in the City :—

<sup>1</sup>[Property taxes leviable on rateable value, or on capital value, as the case may be, and at what rate].

(a) a water tax at such percentage of their rateable value <sup>4</sup>[or their capital value as the case may be,] as the Corporation shall deem reasonable, for providing a water supply for the City ;

<sup>5</sup>[(aa) an additional water tax which shall be called “ the water benefit tax ” at such percentage of their rateable value <sup>6</sup>[or their capital value as the case may be,] as the Corporation may consider necessary for meeting the whole or part of the expenditure incurred or to be incurred on capital works for making and improving the facilities of water supply ;]

<sup>7</sup>[(b) conservancy tax or the sewerage tax at such percentage of their rateable value <sup>6</sup>[or their capital value as the case may be,] as the Corporation may consider necessary for the collection, removal and disposal of human waste and other wastes ;

(bb) an additional conservancy or sewerage tax which shall be called “ the sewerage benefit tax ” at such percentage of their rateable value <sup>6</sup>[or their capital value as the case may be,] as the Corporation may consider necessary for meeting the whole or a part of the expenditure incurred or to be incurred on capital works for making and improving the facilities for the collection, removal and disposal of human waste and other waste ;]

<sup>1</sup> This marginal note was substituted by Mah. 10 of 2010., s. 4 (1).

<sup>2</sup> Section 129 was re-numbered as sub-section (1) thereof, *ibid.*, s. 4 (2).

<sup>3</sup> These words were substituted for the portion beginning with the words “For the purposes” and ending with the words “taxes which”, *ibid.*, s. 4 (2) (A) (i).

<sup>4</sup> These words were inserted, *ibid.*, s. 4 (2) (a) (ii).

<sup>5</sup> Clause (aa) was inserted by Mah. 28 of 1990, s. 12 (a).

<sup>6</sup> These words were inserted by Mah. 10 of 2010, s. 4 (2) (A) (iii), (iv) and (v).

<sup>7</sup> These clauses were substituted for clause (b) by Mah. 28 of 1990, s. 12 (b).

(c) a general tax of not less than twelve per cent. of their rateable value <sup>1</sup>[or of not less than 0.1 and not more than 1 per centum of their capital value, as the case may be,] which may be levied, if the Corporation so determines <sup>2</sup>\* \* \* \* \* <sup>3</sup>[together with not less than one-eighth and not more than <sup>4</sup>[two per centum] of their rateable value <sup>5</sup>[or of not less than 0.01 and not more than 0.2 per centum of their capital value, as the case may be,] added to the general tax in order to provide for the expenses necessary for fulfilling the duties of the Corporation imposed or arising by or under clause (5) of section 63 and Chapter XVII] :

Provided that the Corporation may, when fixing under section 99 or section 150 the rate at which general tax shall be levied for any official year or part of an official year, determine that the rate leviable in respect of buildings and lands or portions of buildings and lands in which any particular class of trade or business is carried on shall be higher than the rate fixed in respect of other buildings and lands or portions of buildings and lands by amount not exceeding one-half of the rate so fixed.

*Explanation.*—Where any portion of a building or land is liable to a higher rate of the general tax such portion shall be deemed to be a separate property for the purpose of municipal taxation ;

<sup>6</sup>[(d) the education cess, leviable under section 148A ;

(e) the street tax, leviable under section 148C] ;

<sup>7</sup>[(f) the betterment charges leviable under Chapter XVII].

<sup>8</sup>\* \* \*

<sup>9</sup>[(2) Notwithstanding anything contained in any other provisions of this Act, but save as otherwise provided in the proviso and the *Explanation* to sub-section (1), the Corporation may pass a resolution to adopt levy of property tax on buildings and lands in the city on the basis of capital value of the buildings and lands on and from such date, and at such rates, as the Corporation may determine in accordance with the provisions of section 99 :

Provided that, for the period of five years from the date on which such property tax is levied on capital value, the tax shall not exceed,—

(i) in respect of building used for residential purposes, two times, and

<sup>1</sup> These words and figures were inserted by Mah. 10 of 2010, s. 4 (2) (A) (vi) (a).

<sup>2</sup> The words “on a graduated scale” were deleted by Mah. 41 of 1994, s. 72 (a).

<sup>3</sup> These words, brackets and figures were inserted by Mah. 27 of 1975, s. 3.

<sup>4</sup> These words were substituted for the words “three quarters per centum” by Mah. 12 of 1993, s. 16 (a).

<sup>5</sup> These words and figures were inserted by Mah. 10 of 2010, s. 4(2)(A)(vi)(b).

<sup>6</sup> This clause was added by Mah. 12 of 1993, s. 16 (b).

<sup>7</sup> Clause (f) was inserted by Mah. 10 of 2010, s. 4 (2) (A) (vii).

<sup>8</sup> The proviso was deleted, *ibid.*, s. 4 (2) (A) (viii).

<sup>9</sup> Sub-section (2) was added, *ibid.*, s. 4 (2) (B).

(ii) in respect of building or land used for non-residential purposes, three times,

the amount of the property tax leviable in respect thereof in the year immediately preceding such date :

<sup>1</sup>[Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof were on the basis of annual letting value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso, it shall be lawful for the Commissioner to ascertain such tax leviable during such immediately preceding year, as if such building or portion thereof were self-occupied and had been so entered in the assessment book :]

<sup>2</sup>[Provided <sup>3</sup>[also] that, the Corporation may determine different rates of property tax for different categories of user of a building or land or a part thereof :]

<sup>4</sup>[Provided also that ] the property tax levied on the basis of capital value of any buildings or lands, on revision made under sub-rule (3) of rule 7A of the TAXATION RULES in Chapter VIII of Schedule 'D', shall not in any case exceed 40 per centum of the amount of the property tax payable in the year immediately preceding the year or such revision :

Provided also that, for the period of five years commencing from the year of adoption of capital value as the base for levy of property tax under this sub-section, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. meters (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

*Explanation.*—For the purposes of this section, after the Corporation adopts the capital value as the basis of levy of property tax, the property tax in respect of any taxable building shall be revised after every five years and on each such revision, such amount of property tax, shall not in any case exceed the forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision.]

<sup>5</sup>[**129-1A.** Notwithstanding anything contained in section 129 or any other provisions of this Act, the property tax in respect of buildings and lands belonging to the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.

Levy of property tax at reduced rates in respect of buildings and lands of Special Development Projects.

*Explanation.*—For the purposes of this section, “ Special Development Project ” means,—

<sup>1</sup> This proviso was inserted by Mah. 11 of 2011, s. 8(a).

<sup>2</sup> This proviso was inserted by Mah. 27 of 2010, s. 11(1).

<sup>3</sup> This word was substituted for the word “further” by Mah. 11 of 2011, s. 8(b).

<sup>4</sup> These words were substituted for the words “Provided further that” by Mah. 27 of 2010, s. 11(2).

<sup>5</sup> Section 129-1A was inserted by Mah. 19 of 2006, s. 4.

(i) a development project undertaken either by the Government or by the Planning Authority, within the meaning of clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 ; or

Mah.  
XXXVII  
of 1966.

(ii) “ a Mega Project ” within the meaning of the Package Scheme of Incentives, 2001,

approved by the High Power Committee under the Chairmanship of the Chief Secretary to Government and declared by the State Government, by notification in the *Official Gazette*, to be the Special Development Project.]

Transitory  
provisions  
in respect of  
property  
taxes on  
capital  
value.

<sup>1</sup>[129-2A. (1) Where a Corporation passes a resolution to adopt levy of property taxes on buildings and lands in the City, on the basis of capital value of buildings and lands, notwithstanding anything contained in any other provisions of this Act, the following provisions shall apply in the official year in which such tax is levied on the basis of capital value of buildings and lands, namely :—

(i) until the capital value of the buildings and lands in the City are fixed, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year and it shall be lawful for the Corporation to issue a provisional bill for the tax accordingly ;

(ii) on fixation of the capital value of the buildings and lands, the Corporation shall issue a final bill of assessment of property taxes ;

(iii) after such final assessment, if it is found that the assessee has paid excess amount, such excess shall be refunded within three months from the date of issuing the final bill, alongwith interest from the date of final bill, or after obtaining the consent of the assessee, shall be adjusted towards payment of property taxes due, if any, for the subsequent years ; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.

(2) The provisions of this section shall cease to operate after expiry of the official year in which the Corporation has decided to levy property tax on the basis of capital value of buildings and lands ].

Temporary  
provision for  
levying  
general tax at  
reduced rate  
in area of Zilla  
Parishad  
included in a  
<sup>5</sup>[larger urban  
area.]

<sup>2</sup>[129A.] <sup>3</sup>[(1)] Notwithstanding anything contained in section 129 or any other provisions of this Act, whenever—

(a) a new <sup>4</sup>[larger urban area is specified] under sub-section (2) of section 3 comprising wholly or partly, of an area of a *Zilla Parishad* ; or

(b) the limits of a <sup>5</sup>[larger urban area] are altered under sub-section (3) of section 3 so as to include any area of a *Zilla Parishad*, then the general tax shall be levied on buildings and lands in the former *Zilla Parishad* area during the periods specified in column (1) of the Table hereto appended at the amounts specified against them in column (2)

<sup>1</sup> Section 129-2A was inserted by Mah. 11 of 2011, s. 9.

<sup>2</sup> This section was inserted by Mah. 29 of 1982, s. 7.

<sup>3</sup> Section 129A was re-numbered as section (1) thereof by Mah. 12 of 1993, s. 17.

<sup>4</sup> These words were substituted for the words “City is constituted” by Mah. 41 of 1994, s. 73(a).

<sup>5</sup> These words were substituted for the words “City”, *ibid.*, s. 73(b).

thereof, and such amounts shall not be liable to be increased under section 150 during the said periods :—

TABLE

	Period (1)	Amount of General Tax (2)
Bom. III of 1959. Mah. V of 1962.	1. Period from the date of inclusion of the area in the City upto and inclusive of the 31st March <sup>1</sup> [of the second year] following the year in which the area is included in the <sup>2</sup> [larger urban area].	<sup>3</sup> [The amount calculated at the rate of tax on lands and buildings payable in the area immediately before its inclusion in the City, under clause (i) of sub-section (1) of section 124 of the Bombay Village Panchayats Act, 1958 or clause (e) of sub-section (1) of section 157 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as the case may be (hereinafter in this Table referred to as "the amount of tax payable in the <i>Zilla Parishad</i> area")].
	2. Period of one year following the period referred to in entry 1.	<sup>4</sup> [20 per cent.] of the amount of general tax payable in the <sup>2</sup> [larger urban area] or the amount of tax payable in the <i>Zilla Parishad</i> area, whichever is more.
	3. Period of one year following the period referred to in entry 2.	<sup>5</sup> [40 per cent.] of the amount of general tax payable in the <sup>2</sup> [larger urban area] or the amount of tax payable in the <i>Zilla Parishad</i> area, whichever is more.
	4. Period of one year following the period referred to in entry 3.	<sup>6</sup> [60 per cent.] of the amount of the general tax payable in the <sup>2</sup> [larger urban area] or the amount of tax payable in the <i>Zilla Parishad</i> area, whichever is more.
	<sup>7</sup> [5. Period of one year following the period referred to in entry 4.	80 per cent. of the amount of general tax payable in the <sup>2</sup> [larger urban area] or the amount of tax payable in the <i>Zilla Parishad</i> area, whichever is more.
	6. Any period after the expiry of the period referred to in entry 5.	The same amount of general tax as in force and payable in the remaining area of the <sup>2</sup> [larger urban area].]

<sup>8</sup>[(2) The Corporation shall spend an amount worked out at the rate of not less than one-third of the *per capita* expenditure incurred in the Corporation area for the year immediately the year of inclusion of the *Zilla Parishad* area or any such higher amount as may be feasible on development works in the newly included area for the periods mentioned in entries 1 to 5 in the Table in sub-section (1).]

<sup>1</sup> These words were substituted for the words "of the year" by Mah. 12 of 1993, s. 17(1)(a)(i).

<sup>2</sup> These words were substituted for the word "City" by Mah. 41 of 1994, s. 73(b).

<sup>3</sup> This paragraph was substituted by Mah. 12 of 1993, s. 17(1)(a)(ii).

<sup>4</sup> These figures and words were substituted for the figures and word, "40 per cent." *ibid.*, s. 17(1)(b).

<sup>5</sup> These figures and words were substituted for the figures and words "60 per cent." *ibid.*, s. 17(1)(c).

<sup>6</sup> These figures and words were substituted for the figures and words "80 per cent." *ibid.*, s. 17(1)(d).

<sup>7</sup> These entries were substituted for entry 5, *ibid.*, s. 17(1)(e).

<sup>8</sup> Sub-section (2) was added, *ibid.*, s. 17(2).

Water tax  
<sup>2</sup>[or water  
 benefit tax]  
 on what  
 premises  
 levied.

**130.** (1) Subject to the provisions of section 134, the water tax shall be levied only in respect of premises—

(a) to which private water supply is furnished from or which are connected by means of communication pipes with any municipal water works ; or

(b) which are situated in a portion of the City in which the Commissioner has given public notice that the Corporation has arranged to supply water from municipal water works by means of private water connections or of public standposts, fountains or by any other means.

<sup>1</sup>(2) The water benefit tax shall be levied in respect of all premises situated in the City.]

Conservancy  
<sup>4</sup>[tax or  
 sewerage  
 tax] tax on  
 what  
 premises to  
 be levied.

**131.** (1) The conservancy tax <sup>3</sup>[or sewerage tax] shall be levied only in respect of premises—

(a) situated in any portion of the City in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementious and polluted matter from privies, urinals and cess-pools, will be undertaken by municipal agency ; or

(b) in which, wherever situate, there is a privy, water-closet, cesspool, urinal, bathing place or cooking place connected by a drain with a municipal drain :

Provided that the said tax shall not be levied in respect of any premises situated in any portion of the City specified in clause (a), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(2) Premises in respect of which the Commissioner has directed that a separate water-closet, privy or urinal need not be provided shall be deemed to be liable to the levy of conservancy tax if, but for such direction, the tax would be leviable in respect thereof.

<sup>5</sup>(3) The sewerage benefit tax shall be levied in respect of all premises situated in the City.]

General tax  
 on what  
 premises to  
 be levied.

**132.** (1) The general tax shall be levied in respect of all buildings and lands in the City except—

(a) buildings and lands solely used for purposes connected with the disposal of the dead;

(b) buildings and lands or portions thereof solely occupied and used for public worship or for a public charitable purpose;

(c) buildings and lands vesting in the <sup>6</sup>[Government] used solely for public purposes and not used or intended to be used for purposes of trade or profit or vesting in the Corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the <sup>6</sup>[Government] or the Corporation, respectively.

(2) The following buildings and lands or portions thereof shall not be deemed to be solely occupied and used for public worship or for a public

<sup>1</sup> Sub-section (2) was added by Mah. 28 of 1990, s. 13(b).

<sup>2</sup> These words were inserted, *ibid.*, 14(a).

<sup>3</sup> These words were inserted, *ibid.*, 14(a).

<sup>4</sup> These words were inserted, *ibid.*, 14(b).

<sup>5</sup> Sub-section (3) was added, *ibid.*, s. 14(c).

<sup>6</sup> This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

charitable purpose within the meaning of clause (b) of sub-section (1), namely:—

(a) buildings or lands or portions thereof in which any trade or business is carried on ; and

(b) buildings or lands or portions thereof in respect of which rent is derived whether such rent is or is not applied solely to religious or charitable purposes.

(3) Where any portion of any building or land is exempt from the general tax by reason of its being solely occupied and used for public worship or for a public charitable purpose such portion shall be deemed to be a separate property for the purpose of municipal taxation.

**133.** (1) The <sup>2</sup>[State] Government shall pay to the Corporation annually in two half-yearly installments payable by the 30th day of September and the 31st day of March in every year in lieu of the general tax from which buildings and lands vesting in the <sup>3</sup>[State Government] are exempted by clause (c) of sub-section (1) of section 132, a sum ascertained in the manner provided in sub-section (2)<sup>4</sup>, (2A) and (3). Payments to be made to Corporation in lieu of general tax by <sup>2</sup>[State] Government.

(2) The rateable value of the buildings and lands in the City vesting in the <sup>1</sup>[Government] and beneficially occupied, in respect of which, but for the said exemption, general tax would be leviable from the <sup>2</sup>[State] Government shall be fixed by a person from time to time appointed in this behalf by the <sup>2</sup>[State] Government with the concurrence of the Corporation. The said value shall be fixed by the said person, with a general regard to the provisions contained in this Act and the rules concerning the valuation of property assessable to property taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands <sup>5</sup>[in the City vesting in the State Government] materially increases or decreases.

<sup>6</sup>[(2A) Where the Corporation has adopted the levy of property tax on capital value of buildings and lands, the capital value of buildings and lands in the City vesting in Government and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the State Government, shall be the book value of such buildings or lands in Government records and such capital value shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in Government in the city materially increases or decreases.]

<sup>1</sup> This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

<sup>2</sup> This word was substituted for the word "Provincial", *ibid.*

<sup>3</sup> These words were substituted for the words "the Crown for the purpose of the Province", *ibid.*

<sup>4</sup> These brackets, figure and letter were inserted by Mah. 10 of 2010, s. 5(1).

<sup>5</sup> This portion was substituted for the portion "vesting in the Crown in the City for the purposes of the Province", by Adaptation of Laws Order, 1950.

<sup>6</sup> Sub-section (2A) was inserted by Mah. 10 of 2010, s. 5(2).

(3) The sum to be paid annually to the Corporation by the <sup>1</sup>[State] Government shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings or lands in the City, on account of the general tax, on a rateable value <sup>2</sup>[or on capital value, as the case may be,] of the same amount as that fixed under sub-section (2) <sup>3</sup>[or sub-section (2A), as the case may be.]

Power to remit property taxes in case of buildings occupied by persons affected by natural calamities, etc. <sup>4</sup>**133A.** Notwithstanding anything contained in this Chapter, the Corporation may, for such period and subject to such conditions as may be specified by it, remit the whole or any part of all or any of the property taxes payable in respect of any buildings, if the said taxes are primarily leviable from the actual occupier thereof, the Government, the Corporation or the Maharashtra Housing Board, and the building is occupied or intended to be occupied by persons affected by the devastation caused on the 12th day of July 1961, by the breaching of the *Panshet and Khadakwasla* dams or any serious flood, fire, house collapse or other natural calamity or any slum clearance scheme undertaken by the Government, Corporation or Maharashtra Housing Board.]

*Special provisions relating to water and conservancy taxes.*

Fixed charges and agreements for payments in lieu of taxes for water supplied.

**134.** (1) The Commissioner may—

(a) in such cases as the Standing Committee shall generally approve, instead of levying the water tax in respect of any premises liable thereto, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said Committee in this behalf or by the size of the water connection with the municipal main and the purpose for which the water is supplied at such rates as shall from time to time be prescribed by the Corporation ;

(b) in such cases as the Standing Committee shall generally approve, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum in lieu of the water tax or charge by measurement or by the size of the water connection which would otherwise be leviable from such person in respect of the said premises.

(2) The Standing Committee may, for the cases in which the Commissioner charges for water by measurement or by the size of the water connection under clause (a) of sub-section (1), from time to time prescribe such conditions as it shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and for the cases in which a composition is

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> These words were inserted by Mah. 10 of 2010, s. 5(3)(a).

<sup>3</sup> These words, brackets, figure and letter were added, *ibid.*, s. 5(3)(b).

<sup>4</sup> Section 133A was inserted by Mah. 28 of 1966, s. 2.

made under clause (b) of the said sub-section the said Committee may prescribe such conditions as to the use of the water as it shall think fit :

Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or rules or bye-laws.

(3) A person who is charged for water by measurement or by the size of the water connection or who has compounded for a fixed periodical sum shall not be liable for payment of the water tax, but any sum payable by him on account of water shall, if not paid when it becomes due, be recoverable by the Commissioner as if it were an arrear of water tax.

**135.** If, in respect of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential, charitable or religious purposes, water tax would be leviable under this Act from the <sup>1</sup>[Government], the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurements, at such rate as shall be prescribed by the Standing Committee in this behalf not exceeding the minimum rate at the time being charged under clause (a) of sub-section (1) of section 134 to any other person ; and such charges shall be recoverable as provided in sub-section (3) of the said section.

<sup>1</sup>[Government] to be charged for water by measurement.

**136.** No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, stand-pipe or other work used for the gratuitous supply of water to the inhabitants of the City and vesting in the Corporation :

Supply of water at public drinking fountains etc., not to be taxed.

Provided that the water in or from any such work shall be used only for personal or domestic purposes and not for the purpose of business or sale.

**137.** (1) The Commissioner may, whenever he thinks fit, fix the conservancy tax or <sup>2</sup>[sewerage tax and sewerage benefit tax] to be paid in respect of any hotel, club, stable or other large premises at such special rate as shall be generally approved by the Standing Committee in this behalf, whether the service in respect of which such tax is leviable be performed by human labour or by substituted means or appliances.

Conservancy tax <sup>2</sup>[or sewerage tax and sewerage benefit tax] may be fixed at special rate in certain cases.

(2) In the case of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential or charitable or religious purposes in respect of which the conservancy tax <sup>2</sup>[or sewerage tax and sewerage benefit tax] is payable by the <sup>1</sup>[Government] the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(3) In any such case the amount of the conservancy tax <sup>2</sup>[or sewerage tax and sewerage benefit tax] shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal conservancy staff, of excrementitious and polluted matter from the premises.

<sup>1</sup> This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

<sup>2</sup> These words were inserted by Mah. 28 of 1990, s. 15.

<sup>3</sup>[Water tax, water benefit tax, conservancy tax, or sewerage tax, or sewerage benefit tax] paid by any person may be recovered by him from the occupier of the premises for which it is paid.

**138.** (1) Any person who has paid to the Commissioner any <sup>1</sup>[water tax, water benefit tax, conservancy tax or sewerage tax, or sewerage benefit tax] in respect of any premises shall, if he was not himself in occupation of the said premises during the period for which he has made such payment <sup>2</sup>\* \* \* be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(2) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

<sup>4</sup>[(3) If, under the terms of the tenancy, the rent charged for any such premises is inclusive of <sup>5</sup>[water tax, water benefit tax] or water charges and subsequently water is supplied thereto through a common meter and if any <sup>5</sup>[water tax, water benefit tax] or water charges are paid by the owner or any person acting on his behalf, such owner shall be entitled to recover from the occupier of the premises only the difference between the <sup>5</sup>[water tax, water benefit tax] or water charges previously payable by him and the <sup>5</sup>[water tax, water benefit tax] or water charges payable in respect of such premises on *pro rata* basis in proportion to the amount for which each of such premises is let.

#### *Liability for Property Taxes.*

Primary responsibility for property taxes on whom to rest.

**139.** (1) Subject to the provisions of sub-section (2), property taxes assessed upon any premises shall be primarily leviable as follows, namely :—

(a) if the premises are held immediately from the <sup>6</sup>[Government] or from the Corporation, from the actual occupier thereof :

Provided that property taxes due in respect of buildings vesting in the <sup>6</sup>[Government] and occupied by servants of the <sup>6</sup>[Government] or other persons on payment of rent shall be leviable primarily from the <sup>6</sup>[Government] ;

<sup>7</sup>[(a-1) if the premises are held or occupied by a person, who is not the owner and the whereabouts of the owner of the premises cannot be ascertained, from the holder or occupier ; and

(a-2) if the premises are held or developed by a developer or an attorney or any person in whatever capacity such person may be holding the premises and in each of whom the right to sell the same

<sup>1</sup> These words were substituted for the words “water tax or conservancy tax” by Mah. 28 of 1990, 16(a).

<sup>2</sup> The words “and subject to any agreement or contract to the contrary” were deleted by Mah. 42 of 1976, s. 19(a).

<sup>3</sup> These words were substituted for the words “water tax or conservancy tax” by Mah. 28 of 1990, 16(c).

<sup>4</sup> Sub-section (3) was added by Mah. 42 of 1976, s. 19(b).

<sup>5</sup> These words were substituted for the words “water tax” by Mah. 28 of 1990, s. 16(b).

<sup>6</sup> This word was substituted for the word “Crown” by the Adaptation of Laws Order, 1950.

<sup>7</sup> Clauses (a-1) and (a-2) were inserted by Mah. 10 of 2010, s. 6.

exists or is acquired, from such holder, developer, attorney or person, as the case may be :

Provided that, such holder, developer, attorney or person shall be liable until the actual sale is effected ;]

(b) if the premises are not so held—

(i) from the lessor if the premises are let ;

(ii) from the superior lessor if the premises are sub-let ;

(iii) from the person in whom the right to let the premises vests if they are unlet.

(2) If any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or any person deriving title from the said tenant by the operation of law or by assignment or transfer but not by sub-lease or the legal representative of the said tenant or person whether the premises be in the occupation of the said tenant or person or legal representative or a sub-tenant.

**140.** (1) If the sum due on account of any property tax remains unpaid after a bill for the same has been duly served under the rules upon the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may serve a bill for the amount upon the occupier of the said premises, or, if there are two or more occupiers thereof, may serve a bill upon each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

When occupiers may be held liable for payment of property taxes.

<sup>1</sup>[(1A) Notwithstanding anything contained in sub-section (1), on and from the date of adoption of capital value as the base for levy of property taxes under sub-section (2) of section 129, but subject to the other provisions of this Act, the Commissioner may serve a bill for the amount of property tax on such occupier of the said premises, or, if there are two or more such occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount of tax based on the capital value, due in the same ratio which the capital value, of such portion of the premises of the occupier or occupiers bears to the aggregate amount of the tax based on the capital value, in respect of the said premises.]

(2) If the occupier or any of the occupiers fails within thirty days from the service of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the rules.

(3) No arrear of a property-tax shall be recovered from any occupier under this section <sup>2</sup>\* \* \* \* which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

<sup>1</sup> Sub-section (1A) was inserted by Mah. 10 of 2010, s. 7(1).

<sup>2</sup> The words "which has remained due for more than one year, or " were deleted, *ibid.*, s. 7 (2).

(4) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Rebate in  
property tax  
for advance  
payment.

<sup>1</sup>[140A. 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.

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

140B. 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.]

Property  
taxes to be a  
first charge  
on premises  
on which  
they are  
assessed.

141. (1) Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land revenue, if any, due to the provincial Government thereupon, be a first charge, in the case of any building or land held immediately from the <sup>2</sup>[Government], upon the interest in such building or land of the person liable for such taxes and upon the moveable property, if any, found within or upon such building or land and belonging to such person ; and, in the case of any other building or land, upon the said building or land and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such taxes.

*Explanation.*—The term “property-taxes” in this section shall be deemed to include charges payable under section 134 for water supplied to any premises and the costs of recovery of property-taxes as specified in the rules.

(2) In any decree passed in a suit for the enforcement of the charge created by sub-section (1), the court may order the payment to the Corporation of interest on the sum found to be due at such rate as the Court deems reasonable from the date of the institution of the suit until realisation, and such interest and the cost of enforcing the

<sup>1</sup> Sections 140A and 140B were inserted by Mah. 7 of 2009, s. 7.

<sup>2</sup> This word was substituted for the word “Crown” by the Adaptation of Laws Order, 1950.

said charge, including the costs of the suit and the cost of bringing premises or movable property in question to sale under the decree, shall, subject as aforesaid, be a fresh charge on such premises and movable property alongwith the amount found to be due, and the Court may direct payment thereof to be made to the Corporation out of the sale proceeds.

*Tax on Vehicle, Boats and Animals.*

**142.** (1) Except as hereinafter provided, a tax at rates not exceeding those prescribed by order in writing by the <sup>1</sup>[State] Government in this behalf from time to time shall be levied on vehicles, boats and animals of the descriptions specified in the order, when kept for use in the City for the conveyance of passengers or goods, in the case of vehicles and boats and for riding, racing, draught or burden in the case of animals :

Tax on vehicles, boats and animals.

Bom. LXV of 1958. <sup>2</sup>[Provided that no tax shall be levied on motor vehicles save as provided in section 20 of the \*Bombay Motor Vehicles Tax Act, 1958.]

*Explanation.*—A vehicle, boat or animal kept outside the limits of the City but regularly within such limits shall be deemed to be kept for use in the City.

(2) The Corporation shall from year to year, in accordance with section 99, determine the rates at which the tax shall be levied.

**143.** (1) The said tax shall not be leviable in respect of—

Exemptions from the tax.

(a) vehicles, boats and animals belonging to the Corporation other than vehicles or animals used exclusively for the purposes of the Transport Undertaking ;

(b) vehicles, boats and animals vesting in the <sup>3</sup>[Government] and used solely for public purposes and not used or intended to be used for purposes of profit including vehicles, boats and animals belonging to the Defence Forces ;

(c) vehicles and boats intended exclusively for the conveyance free of charge of the injured, sick or dead ;

(d) children's perambulators and tricycles ;

(e) vehicles belonging to municipal officers or servants who are required by the terms of their appointment to maintain a conveyance for the discharge of their duties :

Provided that the exemption granted by this clause will not be available in respect of more than one vehicle for each officer or in respect of a vehicle which does not belong to the class of conveyance which the officer is required to maintain ;

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> This proviso was inserted by Bom. 65 of 1958, s. 25, Third Schedule.

<sup>3</sup> This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

\* The short title of this Act was amended as " the Maharashtra Motor Vehicles Tax Act " by Mah. 24 of 2012, Sch.

(f) vehicles or boats kept by *bona fide* dealers in vehicles or boats for sale merely, and not used :

Provided that, a tax at such rate as the Corporation shall with the approval of the <sup>1</sup>[State] Government fix in this behalf shall be levied half yearly in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939.

IV of  
1939.

(2) If any question arises under clause (b) of sub-section (1) whether any vehicle, boat or animal vesting in the <sup>2</sup>[Government] is or is not used or intended to be used for purposes of profit, such question shall be determined by the <sup>1</sup>[State] Government whose decision shall be final.

Livery-  
stable  
keepers and  
others may  
be  
compounded  
with.

**144.** The Commissioner may, with the approval of the Standing Committee, compound with any livery-stable keeper or other person keeping vehicles or horses or bullocks for hire or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of lump sum for any period not exceeding one year at a time, in lieu of the taxes leviable under section 142 which such livery-stable keeper or other person or dealer would otherwise be liable to pay.

Power to  
inspect  
stables and  
summon  
persons  
liable to the  
tax.

**145.** (1) The Commissioner may make an inspection of any stable, garage or coach-house or any place wherein he may have reason to believe that there is any vehicle, boat or animal liable to a tax under this Act.

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle, boat or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles, boats and animals, owned by or in the possession or under the control of such person ; and every person so summoned shall be bound to attend before the Commissioner and to give true information to the best of his knowledge or belief, as to the said matters.

#### *Exemptions from Octroi*

Exemption  
of articles  
belonging to  
<sup>2</sup>[Government]  
from octroi,  
and refund  
of octroi on  
articles  
becoming  
property of  
<sup>2</sup>[Government].

**146.** (1) No octroi shall be leviable on any article which, at the time of its importation is certified by an officer empowered by the Government concerned in this behalf to be the property of the <sup>2</sup>[Government], to be used or intended to be used solely for public purposes and not to be used or intended to be used for purposes of profit.

(2) If any article on which octroi is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with the Government or otherwise for the use of the <sup>2</sup>[Government], the full amount of the duty

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> This word was substituted for the word "Crown", *ibid*.

paid thereon shall be refunded on production, at any time within six months after importation, of a certificate signed by an officer empowered by the Government concerned in this behalf certifying that the article so imported has become the property of the <sup>1</sup>[Government], is used or intended to be used solely for a public purpose and is not used or intended to be used for purposes of profit.

**147.** Until the contrary is proved any goods imported into the City shall be presumed to have been imported for the purposes of consumption, use or sale therein unless such goods are conveyed from the place of import to the place of export by such routes, within such time, under such supervision and on payment of such fees therefor as shall be determined by the standing orders.

Articles  
imported  
for  
immediate  
exportation.

*Exemptions from Theatre Tax.*

**148.** The theatre tax shall not be leviable in respect of—

Exemptions  
from  
theatre tax.

(a) any entertainment or amusement for admission to which no charge is made or only a nominal charge is made ;

(b) any entertainment or amusement which is not open to the general public on payment ;

(c) any entertainment or amusement the full proceeds of which, without the deduction of expenses, are intended to be utilised for a public charitable purpose ;

<sup>2</sup>[(d) any entertainment exempted by the Commissioner of Police, the District Magistrate or the State Government from the entertainment duty under the \*Bombay Entertainments Duty Act, 1923.]

Bom.  
I of  
1923.

*Explanation.*—For the purposes of this section a nominal charge shall be such charge as may be fixed by the rules.

<sup>3</sup>[*Education Cess.*

**148A.** (1) For the purposes of clause (15) of section 63, the Corporation may <sup>4</sup>\* \* \* \* \* levy within its area an additional tax on buildings and lands (hereinafter referred to as “ the education cess ”), of so many *per centum*, not exceeding five, of the rateable value, <sup>5</sup>[or of so many percentum of their capital value, as the case may be, as the Corporation may, determine :]

Levy of  
education  
cess.

<sup>1</sup> This word was substituted for the word “Crown” by the Adaptation of Laws Order, 1950.

<sup>2</sup> Clause (d) was inserted by Mah. 27 of 1975, s. 4.

<sup>3</sup> These headings and sections were inserted by Mah. 12 of 1993, s. 18.

<sup>4</sup> The words “with the previous sanction of the State Government” were deleted by Mah. 20 of 1995, s. 5.

<sup>5</sup> This portion was substituted for the portion beginning with the words “as the Corporation ” and ending with the words “graduated scale :” by Mah. 10 of 2010, s. 8 (1).

\* Now the short title has been amended as the Maharashtra Entertainments Duty Act (I of 1923) by Mah. XXIV of 2012, s.2 and 3, Schedule, entry 15, with effect from the 1st May of 1960.

Provided that,—

- (a) all buildings and lands vesting in the Central Government ;
- (b) all other buildings and lands exempted from the general tax under section 132 ;
- (c) all buildings and lands of a reteable value <sup>1</sup>[or a capital value, as the case may be,] below such sum as the Corporation may determine, shall be exempted from the levy of education cess.

(2) The Corporation may require the Commissioner to recover the amount of the education cess determined under sub-section (1) by an addition to the general tax levied under this Act. Every addition to the general tax imposed under this sub-section shall be recovered by the Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 139 and 140 shall apply to the education cess as if it were a part of the general tax levied under this Act.

Payment to  
be made to  
Corporation  
in lieu of  
education  
cess by  
State  
Government.

**148B.** (1) With effect from the first day of April 1993, and in respect of the period during which the education cess is levied under section 148A, the State Government shall pay to the Corporation annually, in lieu of the education cess from which buildings and lands vesting in the State Government are exempted by virtue of clause (b) of the proviso to sub-section (1) of section 148A (hereinafter, in this section, referred to as “the exempted buildings and lands”), a sum ascertained in the manner provided in sub-section (2).

(2) The sum to be paid annually to the Corporation by the State Government shall be eight-tenths of the amount which could be, or would have been, payable by an ordinary owner of buildings or lands in the City, on account of the education cess, on the reteable value <sup>2</sup>[or the capital value, as the case may be,] of the same amount as that fixed under sub-section (2) <sup>3</sup>[or sub-section (2A)] of section 133 in respect of the exempted buildings and lands.

#### *Street Tax*

Levy of  
street tax.

**148C.** (1) The Corporation may, for the purposes of clause (18) of section 63, levy, within its area, an additional tax on buildings and lands (hereinafter referred to as “the street tax”), of so many *per centum*, not exceeding ten of their reteable value <sup>4</sup>[or of so many per centum of their capital value, as the case may be,] as the Corporation may, from time to time, determine :

Provided that,—

- (a) all buildings and lands vesting in the Central Government,
- (b) all other buildings and lands exempted from the general tax under section 132,

<sup>1</sup> These words were inserted by Mah. 10 of 2010, s. 8(2).

<sup>2</sup> These words were inserted, *ibid*, s. 9(1).

<sup>3</sup> These words, brackets, figure and letter were inserted, *ibid*, s. 9(2).

<sup>4</sup> These words were inserted, *ibid*, s. 10(1).

(c) all buildings and lands of a reteable value <sup>1</sup>[or a capital value, as the case may be,] below such sum as the Corporation may determine,

shall be exempted from the levy of street tax.

(2) The Corporation may require the Commissioner to recover the amount of the street tax determined under sub-section (1) by an addition to the general tax levied under this Act. Every addition to the general tax imposed under this sub-section shall be recovered by the Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 139 and 140 shall apply to the street tax as if it were a part of the general tax levied under this Act.]

*Other taxes.*

**149.** (1) In the event of the Corporation deciding to levy any of the taxes specified in sub-section (2) of section 127, it shall make detailed provisions, in so far as such provision is not made by this Act, in the form of rules, modifying, amplifying or adding to the rules at the time in force for the following matters, namely :—

Procedure to be followed in levying other taxes.

(a) the nature of the tax, the rates thereof, the class or classes of persons, articles or properties liable thereto and the exemptions therefrom, if any, to be granted ;

(b) the system of assessment and method of recovery and the powers exercisable by the Commissioner or other officers in the collection of the tax ;

(c) the information required to be given of liability to the tax ;

(d) the penalties to which person evading liability or furnishing incorrect or misleading information or failing to furnish information may be subjected ;

(e) such other matters, not inconsistent with the provisions of this Act, as may be deemed expedient by the Corporation :

Provided that no rules shall be made by the Corporation in respect of any tax coming under clause (f) of sub-section (2) of section 127 unless the <sup>2</sup>[State] Government shall have first given provisional approval to the selection of the tax by the Corporation.

(2) The rules shall be submitted by the Corporation to the <sup>2</sup>[State] Government and the <sup>2</sup>[State] Government may either refuse to sanction

<sup>1</sup> These words were inserted by Mah. 10 of 2010, s. 10(2).

<sup>2</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

them or refer them back to the Corporation for further consideration or sanction them either as they stand or with such modifications as it thinks fit, not, however, involving an increase in the rate or rates of the levy or the extent thereof.

(3) Any sanction given by the <sup>1</sup>[State] Government under sub-section (2) shall become operative on such date not earlier than one month from the date of the sanction as the <sup>1</sup>[State] Government shall specify in the order of sanction, and the Corporation shall be competent to levy the tax covered by the sanction as from the date so specified.

(4) The Corporation and the <sup>1</sup>[State] Government shall take such steps as may be practicable to ensure that the date specified in the order of sanction is the first day of April, unless the sanction is given in pursuance of a proposal for supplementary taxation under section 150 :

Provided that nothing in sub-section (4) shall affect the power of the Corporation to levy a tax as from a date later than the first day of April if the sanction of the <sup>1</sup>[State] Government is not given by the first day of March immediately preceding and if the <sup>1</sup>[State] Government in the order of sanction specifies a date later than the first day of April for the commencement of the levy of the tax.

(5) The provisions of this section shall apply, as far as may be, to any alterations which the Corporation may from time to time decide to make in the rates fixed for any tax, or in the class or classes of persons, articles, or properties liable thereto or in the exemptions therefrom, if any, to be granted.

<sup>2</sup>[(6) Notwithstanding anything contained in this section or any other provisions of this Act, the octroi on the entry of articles into the City, for the consumption and use of the Special Development Project declared under section 129-1A shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.]

Additional Stamp duty on certain transfers of immovable properties in municipal areas.

<sup>3</sup>[149A. (1) The stamp duty leviable under the \*Bombay Stamp Act, 1958, on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the City to which the provisions of clause (aaa) of sub-section (2) of section 127 apply (hereinafter in this section referred to as "the notified City") ; and executed on and after

Bom. LX of 1958.

<sup>1</sup> This word was substituted for the word "Provincial" by Adaptation of Laws Order, 1950.

<sup>2</sup> Sub-section (6) was added by Mah. 19 of 2006, s. 5.

<sup>3</sup> Section 149A was inserted by Mah. 27 of 2009, s. 6.

\* Now, the short title has been amended as the Maharashtra Stamp Act (LX of 1958) by Mah. XXIV of s. 2 and 3, Schedule, entry 67, with effect from the 1st May of 1960.

such date as may be specified by the State Government by notification in the *Official Gazette*, be increased by a surcharge at the rate of one per cent. in the case of sale or gift, on the value of the property so situated and in the case of an instrument of usufructuary mortgage on the amount secured by the instrument as set forth in the instrument and shall be collected accordingly under the said Act.

Bom.  
LX of  
1958.

(2) For the purposes of this section, section 28 of the \*Bombay Stamp Act, 1958, shall be read and enforced as if specifically required the particulars therein referred to be set forth separately in respect of,—

- (a) the property situated in the notified City ; and
- (b) the property situated in any other area.

(3) The State Government shall, every year, after due appropriation made by law in this behalf, pay to the Corporation of each of the notified City, a grant-in-aid approximately equal to the amount of additional duty realized on account of the surcharge levied under this section in respect of immovable properties situated within the jurisdiction of that Corporation.

(4) The sum of money required to meet the expenditure by the State Government under sub-section (3), shall be charged on the Consolidated Fund of the State.

(5) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this section.

(6) All rules made under this section shall be subject to the condition of previous publication.

(7) Every rule made under this section, shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.]

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\* The short title was amended as the Maharashtra Stamp Act (LX of 1958) by Mah. XXIV of s. 2 and 3, Schedule, entry 67, with effect from the 1st May 1960.

*Supplementary Taxation.*

Any tax  
imposable  
under this  
Act may be  
increased or  
newly  
imposed by  
way of  
imposing  
supplementary  
Taxation.

**150.** Whenever the Corporation determines under section 104 to have recourse to supplementary taxation in any official year, it shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied, subject to the limit and conditions for such tax prescribed in this Act or in the orders or sanction of the <sup>1</sup>[State] Government or by levying, with due sanction, a tax imposable under this Act but not being levied at the time being.

Power to  
assess in  
case of  
escape from  
assessment.

<sup>2</sup>**[150A.]** Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reasons any person liable to pay any of the taxes or fees leviable under this Act has escaped assessment in any year, the Commissioner may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service ; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.]

*Refunds.*

Refunds of  
taxes how  
obtainable.

**151.** Refunds of municipal tax shall be claimable in the manner and subject to the conditions prescribed by rules.

*Writing off of taxes.*

Writing off  
of  
irrecoverable  
taxes.

**152.** The Commissioner may, with the approval of the Standing Committee, from time to time, write off any sum due on account of any tax or of the costs of recovering any tax, which shall in his opinion, be irrecoverable.

Power of  
Corporation  
to grant  
rebate for  
payment of  
arrears of  
tax.

<sup>3</sup>**[152-1A.]** 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.]

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> Section 150A was inserted by Mah. 11 of 2011, s. 10.

<sup>3</sup> Section 152-1A was inserted by Mah. 7 of 2009, s. 8.

<sup>1</sup>[CHAPTER XIA.PROVISIONS RELATING TO LEVY,  
COLLECTION AND RECOVERY OF CESS IN LIEU OF OCTROI.

**152A.** (1) Subject to the provisions of this Chapter and the rules, the Corporation may, for the purposes of this Act, with the previous sanction of the State Government, levy cess on the entry of the goods specified in Schedule A, into the limits of the City for consumption, use or sale therein at the rate not exceeding the maximum rate specified against each of them in column 3 of that Schedule : Levy of cess.

<sup>2</sup>[Provided that, the Corporation may, subject to the previous sanction of the State Government, by notification in the *Official Gazette*, add, alter or delete any of the entries in the Schedule A or vary the rates including the maximum rates specified therein :

Provided further that, such notification shall be published after considering the objections and suggestions (if any) invited from the public by pre-publication of such notification.]

<sup>3</sup>[(1A-1) Notwithstanding anything contained in sub-section (1), but subject to the provisions of the provisos thereof the Corporation shall, when so directed by the State Government by issuing a notification under the proviso to clause (aa) of sub-section (2) of section 127, levy cess on the entry of the goods specified in Schedule A, into the limits of the City for consumption, use or sale therein at the rate not exceeding the maximum rate specified against each of them in column (3) of that Schedule.]

<sup>4</sup>[(1A) Notwithstanding anything contained in this section or any other provisions of this Act, the cess on the entry of goods into the City, for the consumption and use of the Special Development Project declared under section 129-1A shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.]

(2) There shall be paid, by every dealer, who is liable to pay cess under this Chapter, the cess in accordance with the provisions of this Chapter and the rules.

**152B.** (1) Every dealer whose turnover either of all sales or of all purchases or of all imports made,– Incidence of cess.

(a) during the year immediately preceding to the year ; or

(b) during the year,

in which the Corporation has decided to levy the cess specified in sub-section (2) of section 127, has exceeded or exceeds the relevant limit prescribed in this behalf, shall be liable to pay the cess under this Act :

<sup>1</sup> Chapter XIA and sections 152A to 152O were inserted by Mah. 3 of 1996, s. 5.

<sup>2</sup> These provisos were added by Mah. 1 of 2001, s. 2.

<sup>3</sup> Sub-section (1A-1) was inserted by Mah. 4 of 2009, s.4.

<sup>4</sup> Sub-section (1A) was inserted by Mah. 19 of 2006, s. 6.

Provided that, a dealer to whom sub-clause (a) does not apply but sub-clause (b) applies and whose turnover either of all sales or of all purchases or of all imports first exceeds the relevant limit prescribed in this behalf after the first day of April of the year in which the Corporation has decided to levy the cess, shall not be liable to pay the cess in respect of the goods imported by him into the limits of the City for consumption, use or sale therein upto the time when his turnover of sales or of purchases or of imports as computed from the first day of April of the said year, does not exceed the relevant limit prescribed in this behalf.

(2) Every dealer whose turnover, either of all sales or of all purchases or of all imports made during any year commencing on the first day of April, being a year subsequent to the years mentioned in sub-section (1) first exceeds the relevant limit prescribed in this behalf, shall be liable to pay cess under this Act :

Provided that, a dealer shall not be liable to pay the cess in respect of the goods imported by him in to the limits of the City for consumption, use or sale therein during the period commencing on the first day of April of the said year upto the time when his turnover of sales or of purchases or of imports as computed from the first day of April of the said year does not exceed the relevant limit prescribed in this behalf.

(3) Every dealer who has become so liable for payment of cess shall continue to be so liable until his registration is duly cancelled ; and shall again become liable on the day his turnover of sales or purchases or imports again first exceeds the relevant limit prescribed in this behalf.

Certain goods not liable to or exempt from cess.

**152C.** (1) No cess shall be liable on the goods specified in Schedule B.

(2) Subject to the conditions, restrictions or exceptions, if any, set out against any of them, the goods specified in Schedule C shall be exempt from the payment of cess :

<sup>1</sup>[Provided that, the Corporation may, subject to the previous sanction of the State Government, by notification in the *Official Gazette*, add, alter or delete any of the entries in the Schedules B and C :

Provided further that, such notification shall be issued, after considering the objections and suggestions (if any) invited from the public by pre-publication of such notification.]

Liability of cess in certain cases.

**152D.** Where on and after the date fixed by the Corporation for levy of cess, any goods on which cess is leviable under this Chapter are imported into the limit of the City by any person (not being a registered dealer) from any place outside of the City area and sold to a registered dealer, there shall be levied and collected cess on such goods at the rates fixed by the Corporation, under the rules, from time to time, and such registered dealer shall be liable to pay the cess so levied :

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<sup>1</sup> These provisos were added by Mah. 1 of 2001, s. 3.

Provided that, no cess on the same goods shall be levied if such purchasing dealer proves to the satisfaction of the Commissioner that the cess has been paid earlier on the said goods to the Corporation.

**152E.** (1) For carrying out the purposes of this Chapter and the rules, the Commissioner shall be the Principal Authority. Cess  
Authorities.

(2) Likewise, the Corporation may appoint such number of—

- (a) Deputy Municipal Commissioners,
- (b) Assessor and Collectors,
- (c) Deputy Assessor and Collectors,
- (d) Assistant Assessor and Collectors, and

(e) Other officers and persons and give them such designation, as the Corporation thinks necessary.

(3) The Commissioner shall have jurisdiction co-extensive with the territorial limits of the Corporation. All other officers and person shall have jurisdiction over such area or areas of the Corporation as the Commissioner may specify.

(4) The Commissioner shall have and exercise all the powers and perform all the duties, conferred or imposed on the Commissioner by or under this Act.

(5) A Deputy Commissioner shall, as otherwise directed by the Commissioner, have and exercise all the powers, and shall perform all the duties, conferred or imposed on the Commissioner, by or under this Act.

(6) An Assessor and Collector and other officers and persons shall, within their jurisdiction exercise such of the powers and perform such of the duties of the Commissioner under this Act, as the Commissioner may, subject to such conditions and restrictions, by order in writing, delegate to them either generally, or in respect of any particular matter or class of matters.

(7) No person or a dealer shall be entitled to call in question the territorial jurisdiction of any officer or person appointed under sub-section (2).

(8) All officers and persons appointed under sub-section (2) shall be subordinate to the Commissioner, and the subordination of the officers (other than the Commissioner) and of the persons, amongst themselves, shall be as follows :—

(a) Deputy Municipal Commissioner shall be subordinate to the Commissioner,

(b) An Assessor and Collector shall be subordinate to Deputy Municipal Commissioner and the Commissioner,

(c) A Deputy Assessor and Collector and an Assistant Assessor and Collector shall be subordinate to an Assessor and Collector, a Deputy Municipal Commissioner and the Commissioner.

(d) An officer or person appointed under clause (e) of sub-section (2) shall be subordinate to an Assistant Assessor and Collector, a Deputy Assessor and Collector and Assessor and Collector, a Deputy Municipal Commissioner and the Commissioner, within whose jurisdiction he performs his functions.

Registration. **152F.** (1) No dealer shall, while being liable for payment of cess under the provisions of this Chapter and the rules carry on business as a dealer, unless he possesses a valid certificate of registration as prescribed :

Provided that, the provisions of this section shall not be deemed to have been contravened, if the dealer having applied in the prescribed manner and time for such registration or, as the case may be, within the prescribed period, carries on such business, pending disposal of his application or grant of registration.

(2) If a person or a dealer upon an application made by him has been registered as a dealer under the rules, and thereafter it is found that he ought not to have been so registered under the provisions of the rules, he shall be liable to pay the cess for the period from the date on which his registration certificate took effect until it is cancelled, notwithstanding that he may not be liable to pay cess under the other provisions of this Chapter and the rules.

Memorandum  
of sales or  
purchase.

**152G.** If,—

- (a) a registered dealer sells goods to another registered dealer, or
- (b) a registered dealer who sells in the current year any goods exceeding ten rupees in value, in any one transaction to any other person,

he shall issue to the purchaser a bill or cash memorandum serially numbered, signed and dated by him or his servant, manager or agent, showing therein, such other particulars as may be prescribed. He shall keep a counterfoil or duplicate of such bill or cash memorandum duly numbered, signed and dated, and preserve it for a period of not less than five years from the date of sale.

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Liability to  
maintain  
and produce  
accounts.

**152I.** Every dealer and such other person as prescribed, shall keep a true account of the value of the goods imported, purchased, consumed, used or sold by him as prescribed.

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<sup>1</sup> Section 152H was deleted by Mah. 4 of 2009, s. 5.

**152J.** (1)(a) The Commissioner may, require any registered dealer to produce before him any accounts or documents, or to furnish any information, relating to stocks of goods or of imports, purchases, sales, and deliveries of goods by the dealer or any other information relating to his business, as may be necessary.

Production and inspection of accounts and documents and search of premises, seizure of books of accounts and goods, etc.

(b) The Commissioner may, require any dealer or any person who has imported any goods in the City and has sold the same to a dealer or a person, to produce before him such documents, or to furnish such information relating to such goods as may be necessary.

(2) All accounts, registers and documents relating to stocks of goods, or to imports, purchases, sales and deliveries of goods by any dealer and all goods and cash kept in any place by any dealer shall, at all reasonable times be open to inspection by the Commissioner, and the Commissioner may, take or cause to be taken such copies or extracts of the said accounts, registers or documents and such inventory of the goods and cash found as appear to him necessary.

(3) If the Commissioner has reason to believe that any dealer or person has evaded or is attempting to evade the payment of any cess due from him, he may, seize such accounts, registers or documents or goods found in the premises at the time of search of the dealer or person as may be necessary and shall grant a receipt for the same and shall retain the same for so long as may be necessary in connection with any proceeding under this Act or for a prosecution. However, when the Commissioner seizes any books of accounts, registers or documents or goods of any dealer he shall not retain them for more than twenty-one days without recording his reasons in writing for so doing.

(4) For the purposes of sub-section (2) or sub-section (3), the Commissioner may enter and search any place of business of any dealer, or any place of activity of a person or any other place where the Commissioner has reason to believe that the dealer or person keeps or is, for the time being, keeping any accounts, registers or documents of his business or activity or stocks of goods relating to his business.

(5) Where in the course of any search or inspection any books of accounts, other documents, money or goods are found in the possession or control of any person, it shall be presumed, unless the contrary is proved, that such books of accounts, other documents, money or goods belong to such person.

**152K.** (1) The Commissioner shall, for discharging the functions under this Chapter have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely :—

Commissioner to have powers of Civil Court.

(a) receiving evidence on affidavit ;

(b) summoning and enforcing the attendance of any person and examining him on oath or affirmation ;

(c) requiring the discovery or the production of documents ;

(d) issuing commissions for the examination of witnesses or documents ; and

(e) any other matter which may be prescribed.

(2) In the case of any affidavit to be made for the purpose of this Chapter, any officer appointed by the Commissioner in this behalf, may administer the oath to the deponent.

(3) Without prejudice to the provisions of any other law for the time being in force, where a person to whom a summons is issued by the Commissioner either to attend to give evidence or produce books of accounts, registers or other documents at a certain place and time, intentionally omits to attend or produce such books, registers, or documents at a certain place and time, as the case may be, the Commissioner, may impose on him such fine not exceeding five hundred rupees as he thinks fit ; and the fine so levied may be recovered in the manner provided for recovery of arrears of cess :

Provided that, before imposing any such fine, the person concerned shall be given a reasonable opportunity of being heard.

(4) If any documents are produced by a person on whom a summons was issued by the Commissioner and the Commissioner has reason to believe that any person evaded or is attempting to evade the payment of any cess due from him and the documents produced are necessary for establishing the case against such person the Commissioner may, for reasons to be recorded in writing, impound the documents and shall grant a receipt for the same and shall retain the same for so long as may be necessary in connection with any proceedings under this Chapter or for a prosecution.

(5) No order passed under this section by the Commissioner or any officer or person subordinate to him shall be called in question in any Court.

Offences  
and  
Penalties.

**152L.** (1) Whoever,—

(a) not being a registered dealer under section 152F falsely represents that he is or was a registered dealer, at the time when he sells or buys or imports or delivers goods, or

(b) knowingly furnishes a false return, or

(c) knowingly produces before the Commissioner false bill, cash memorandum, voucher, declaration, certificate or other document for any purpose referred to in section 152J, or

(d) knowingly keeps false accounts of the value of the goods bought or imported or sold or delivered by him in contravention of section 152I, or

(e) knowingly produces false accounts registers or documents or knowingly furnishes false information, or

(f) issues to any person, a certificate required under relevant provisions of the rules or a false bill, cash memorandum, voucher or other document which he knows or has reason to believe to be false, or

(g) wilfully attempts in any manner whatsoever to evade any cess leviable under this Chapter, or

(h) wilfully attempts in any manner whatsoever to evade any payment of any cess, penalty, interest or sum forfeited under the provisions of this Chapter, or

(i) aids or abets any person in commission of any act specified in clauses (a) to (h), or

(j) fails without sufficient cause to furnish any information as required by the rules, or

(k) fails without sufficient cause to furnish any return as required by the rules by the date and in the manner prescribed, or

(l) fails to pay any cess as required by this Chapter, or

(m) fails without sufficient cause to comply with any requirements made of him under section 152J, or

(n) obstructs any officer making any search or seizure under section 152J, or

(o) without sufficient and reasonable cause contravenes provisions of sections 152F, 152G<sup>1\*</sup> or 152I,

shall, on conviction, be punished with imprisonment for a term which may extend to two years and with fine.

(2) Whoever commits any of the acts specified in sub-section (1) and the offence is a continuing one under any of the provisions of the sub-section (1) shall, on conviction, be punished with daily fine which shall not be less than rupees one hundred during the period of the continuance of the offence, in addition to the punishment provided under this section.

(3) Notwithstanding anything contained in sub-section (1), no person shall be proceeded against under that sub-section for the acts referred to therein if the total amount of cess evaded or attempted to be evaded is less than rupees two hundred during the period of a year.

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<sup>1</sup> Figures and letter "152H" were deleted by Mah. 4 of 2009, s. 6.

(4) Where a dealer is accused of an offence specified in sub-section (1), the person deemed to be the manager of the business of such dealer shall also be deemed to be guilty of such offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission thereof.

(5) No prosecution for an offence under this section shall be instituted in respect of same facts on which a penalty has been imposed by the Commissioner under any provisions of this Chapter.

Disclosure of  
information  
by  
Commissioner,  
Municipal  
officer or  
servant.

**152M.** (1) All particulars contained in any statement made, return furnished or accounts or documents produced in accordance with this Chapter or the rules, or in any record of evidence given in the course of any proceedings under the provisions of this Chapter (other than proceedings before a Criminal Court), or in any record of any assessment proceeding, or any proceeding relating to the recovery of a demand prepared for the purposes of this Chapter shall, save as provided in sub-section (3), be treated as confidential.

(2) If, save as provided in sub-section (3), any servant of the Corporation discloses any of the particulars referred to in sub-section (1), he shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

(3) Provisions of this section shall not apply to disclosures made for the purposes prescribed by rules.

Compounding  
of offences.

**152N.** (1) The Commissioner may, either before or after the institution of proceeding for any offence punishable under section 152L, accept from any person charged with such offence, by way of composition of the offence, a sum not exceeding ten times but not less than four times of the cess which would have been payable.

(2) On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceeding shall be taken against the accused person in respect of the same offence.

Indemnity.

**152O.** No suit, prosecution or other legal proceedings shall lie against any servant of the Corporation for anything which is in good faith done or intended to be done under the provisions of this Chapter.]

<sup>1</sup>[CHAPTER XIB.

## PROVISIONS RELATING TO LOCAL BODY TAX

**152P.** Subject to the provisions of this Chapter and the rules, the Corporation, to which the provisions of clause (aaa) of sub-section (2) of section 127 apply, may, for the purposes of this Act, levy and collect Local Body Tax on the entry of goods specified by the State Government by notification in the *Official Gazette*, into the limits of the City, for consumption, use or sale therein, at the rates specified in such notification.

Levy of  
Local Body  
Tax.

**152Q.** The State Government may, after considering the proposal of the Commissioner in this behalf, and by notification in the *Official Gazette*, specify various categories of goods on which no Local Body Tax shall be leviable.

Certain  
goods not  
liable to  
Local Body  
Tax.

**152R.** The provisions of sections 152B, 152D, 152E, 152F, 152G, 152I, 152J, 152K, 152L, 152M, 152N and 152O of Chapter XIA shall *mutatis mutandis*, apply to levy and collection of Local Body Tax under this Chapter.

Applicability  
of certain  
provisions  
of Chapter  
XIA.

**152S.** The Commissioner may, for the purposes of levy, collection and recovery of Local Body Tax under this Act, assess such dealers for such period and in such manner as may be prescribed.

Assessment  
of Dealers.

**152T.** (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Chapter.

Power of  
State  
Government  
to make  
rules for the  
purposes of  
this Chapter.

(2) All rules made under this section shall be subject to the condition of previous publication.

(3) Every rule made under this section, shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.]

<sup>1</sup> Chapter XIB and sections 152P-152T were inserted by Mah. 27 of 2009, s. 7.

CHAPTER XII.  
DRAINS AND DRAINAGE.

*Municipal Drains.*

Drains to be  
constructed  
and kept in  
repair by  
the  
Commissioner.

**153.** (1) The Commissioner shall maintain and keep in repair all municipal drains and shall with the approval of the Corporation construct such new drains as shall from time to time be necessary for effectually draining the City.

(2) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the Municipal Fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drains so laid under the street shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.

Adoption by  
Corporation  
of drains  
and  
drainage or  
sewage  
disposal  
works.

**154.** (1) The Commissioner may at any time with the approval of the Corporation declare that any drain or part thereof or any drainage or sewage disposal works situate within the City or serving the City or any part thereof shall, from such date as may be specified in the declaration, become vested in the Corporation :

Provided that, when the Commissioner proposes to make a declaration under this sub-section, he shall give written notice of the proposal to the owner or owners of the drain or works in question and shall take no further action in the matter until either one month has elapsed without an objection against his proposal being lodged under sub-section (2) or, as the case may be, until any objection so lodged has been duly considered.

(2) An owner aggrieved by the proposal of the Commissioner to make a declaration under sub-section (1) may, within one month after notice of the proposal is served upon him, appeal to the <sup>1</sup>[State] Government or to such officer of the <sup>1</sup>[State] Government as the <sup>1</sup>[State] Government may designate by order in the *Official Gazette* in this behalf and shall, if he so appeals, give written intimation of the fact to the Commissioner.

(3) After consideration of an appeal under sub-section (2), and after making such inquiries as may be necessary, the <sup>1</sup>[State] Government or the said officer may with due regard to the provisions of sub-section (4) allow or disallow the proposal of the Commissioner and may, if it or he think fit, specify conditions, including conditions as to the payment of compensation by the Commissioner, subject to which it or he allows the proposal.

(4) The Commissioner in deciding whether a declaration should be made under sub-section (1) shall have regard to all the circumstances of the case and, in particular, to the following considerations : —

(a) whether the drain or works in question is or are adapted to, or required for, any general system of drainage or drainage disposal or sewage disposal which the Commissioner has provided, or proposes to provide, for the City or any part thereof ;

(b) whether the drain is constructed under a street or under land reserved by or under the provisions of this Act or any other law for the time being in force for a street ;

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<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(c) the number of buildings which the drain is intended to serve, and whether, regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings ;

(d) the method of construction and state of repair of the drain or works ; and

(e) whether the making of the proposed declaratoin would be seriously detrimental to the owner of the drain or works in question.

(5) Any person who immediately before the making of a declaration under sub-section (1) was entitled to use the drain in question shall be entitled to use it, or any drain substituted therefor, to the same extent as if the declaration had not been made.

(6) When the Commissioner is about to take into consideration the question of making a declaration under sub-section (1) with respect to a drain or drainage or sewage disposal works situate within the jurisdiction of some local authority other than the Corporation or situate within the City but serving an area, or part of an area, within the jurisdiction of such local authority, he shall give notice to that authority and no declaration shall be made by him until either that authority has consented thereto or the <sup>1</sup>[State] Government, on an application made to it, has dispensed with the necessity of such consent, either unconditionally or subject to such conditions as it may think fit to impose.

(7) When the Commissioner has made a declaration under sub-section (1) with respect to a drain or drainage disposal or sewage disposal works situate within the jurisdiction of some local authority other than the Corporation he shall forthwith give notice of the fact to such authority.

(8) The Commissioner shall not make a declaration under sub-section (1) with respect to any drain or part of a drain or any works if that drain or part of a drain or those works is or are vested in some local authority other than the Corporation or in the Central Government or a railway administration, except on the request of the authority, Government or administration concerned.

**155.** (1) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within City, or, for the purpose of outfall or distribution of sewage, without the City.

Powers for making drains.

(2) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

**156.** The Commissioner may enlarge, alter the course of, lessen, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary or prohibit the use of any such drain either entirely or for the purpose of foul water drainage or for the purpose of surface drainage :

Alteration and discontinuance of drains.

Provided that, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed or the use of which has been prohibited.

Cleansing  
drains.

**157.** (1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flusing, cleansing and emptying the said drains, the Commissioner may construct or set up such reserviors, sluices, engines and other works, as he shall from time to time deem necessary.

*Drains of Private Streets and Drainage of Premises.*

Power to  
connect  
drains  
private  
street with  
municipal  
drain.

**158.** The owner of a private street shall be entitled to connect the drain of such street with a municipal drain subject to the conditions laid down in the rules.

Right of  
owners and  
occupiers of  
buildings  
and lands to  
drain into  
municipal  
drain.

**159.** (1) Subject to the provisions of this section, the owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage :

Provided that, nothing in this sub-section shall entitle any person —

(a) to discharge directly or indirectly into any municipal drain any trade effluent except in accordance with the provisions of section 166 or any liquid or other matter the discharge of which is prohibited by or under this Act or any other law for the time being in force ;

(b) where separate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly—

(i) foul water into a drain provided for surface water ; or

(ii) except with the permission of the Commissioner surface water into a drain provided for foul water; or

(c) to have his drain made to communicate directly with a storm-water overflow drain.

(2) Every person desirous of availing himself of the provisions of sub-section (1) shall obtain the written permission of the Commissioner and shall comply with such conditions as the Commissioner may prescribe as to the mode in which and the superintendence under which connections with municipal drains or other places aforesaid are to be made.

(3) The Commissioner may, if he thinks fit, in lieu of giving permission under sub-section (2) to any person to have his drain or sewer connected with a municipal drain or other place as aforesaid himself connect after giving notice to the person concerned within fourteen days of the receipt of his application, and the reasonable expenses of any work so done shall be paid by the person aforesaid.

**160.** (1) Where a person proposes to construct a drain, the Commissioner may, if he considers that the proposed drain is, or is likely to be, needed to form part of a general drainage system which the Corporation has provided or proposes to provide, require him to construct the drain in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall, or otherwise, from the manner in which he proposes, or could otherwise be required by the Commissioner, to construct it, and it shall be his duty to comply with the requirements of the Commissioner.

Powers of Commissioner to require drain of proposed drain to be so constructed as to form part of general system.

(2) No person who under this section has been required by the Commissioner to construct a drain in a particular manner shall construct it or cause it to be constructed otherwise than in accordance with the requirements of the Commissioner.

(3) The Commissioner shall repay from the Municipal Fund to the person constructing a drain in accordance with a requirement under sub-section (1), the entire expenses reasonably incurred by him in complying with such requirement and, until the drain becomes a municipal drain, he shall also from time to time repay to him from the Municipal Fund so much of any expenses reasonably incurred by him in repairing or maintaining it as may be attributable to the requirement having been made and complied with.

**161.** No person shall, without complying with the provisions of section 158 or 159, as the case may be, and the rules, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain or a other place legally set apart for the discharge of drainage; and the Commissioner may close, demolish, alter or remake any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

Connections with municipal drains not to be made except in conformity with section 158 or 159.

**162.** (1) If it shall appear to the Commissioner that the only means or the most convenient means by which the owner or occupier of any premises can cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage, is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

Right of owners and occupiers of premises to carry drain through land belonging to other persons.

(2) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose after giving or tendering to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistance and workmen, at any time between sunrise and sunset and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose,

may, after giving or tendering to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(4) In executing any work under this section as little damage as may be shall be done, and the owner or occupier of the premises for the benefit of which the work is done shall—

(a) cause the work to be executed with the least practicable delay;

(b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work ;

(c) pay compensation to any person who sustains damage by the execution of the said work.

(5) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall subsequently at any time desire to erect a building on such land, the Commissioner shall by written notice require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the Commissioner, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same :

Provided that no such requisition shall be made, unless, in the opinion of the Commissioner, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

Owner of land  
to allow  
others to  
carry drains  
through the  
land.

**163.** Every owner of land shall be bound to allow any person in whose favour an order has been made under sub-section (1) of section 162 to carry a drain into, through or under the land of such owner on such terms as may be prescribed in such order.

Commissioner  
may enforce  
drainage of  
undrained  
premises  
situate within  
hundred feet  
of municipal  
drain.

**164.** Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(a) to make a drain of such material, size and description and laid at such level and according to such alignment and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid at such point as the Commissioner may consider suitable :

Provided that, where any premises have already been drained under municipal requirements and have to be redrained, no such requisition shall be made without the previous sanction of the Standing Committee ;

(b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(c) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which in the opinion of the Commissioner is injurious to health ;

(d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is, or which is likely to be, injurious to health;

(e) to provide and set up all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes, so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises.

**165.** (1) Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

Commissioner may enforce drainage of undrained premises not situate within hundred feet of municipal drain.

(a) to construct a drain up to a point to be prescribed in such notice, to but not distant more than one hundred feet from some part of the said premises; or

(b) to construct a closed cesspool of such material, size and description in such position at such level, and with allowance for such fall as the Commissioner thinks necessary and drain or drains emptying into such cesspool.

(2) Any requisition for the construction of any drain under subsection (1) may comprise any detail specified in section 164.

**166.** Subject to the provisions of this Act, rules and of by-laws, the occupier of any trade premises may, with the consent of the Commissioner, or so far as may be permitted by any such rules or bylaws without such consent, discharge into the municipal drains any trade effluent proceeding from those premises.

Special provisions relating to trade effluent.

**167.** (1) Where the Commissioner is of opinion that any group or block of premises, any part of which is situated within one hundred feet of a municipal drain, or other place legally set a part for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so

Power of Commissioner to drain premises in combination.

doing shall be paid by the owners of such permises in such proportions as the Commissioner think fit.

(2) Not less than fifteen days before any work under this section is commenced the Commissioner shall give written notice to the owners of all the premises to be drained, of—

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner.

(3) The owners, for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises, and shall in the proportions in which it is determined that the owners of such premises are to contribute to the expenses incurred by the Commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition :

Provided that every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the Municipal Fund.

Commissioner  
may close or  
limit the use  
of existing  
private  
drains.

**168.** (1) Where a drain connecting any premises with a municipal drain or other place legally set apart for the discharge of drainage, though sufficient for the effectual drainage of the said premises and otherwise unobjectionable is not, in the opinion of the Commissioner, adapted to the general drainage system of the City or of the part of the City in which such drain is situated, the Commissioner may,—

(a) subject to the provision of sub-section (2), close, discontinue, or destroy the said drain and cause any work necessary for that purpose to be done ;

(b) direct that such drain shall, from such date as he may specify in this behalf, be used for sullage and sewage only, or for rainwater only or for unpolluted sub-soil water only, or for both rainwater and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rainwater or unpolluted sub-soil water, or for both rainwater and unpolluted sub-soil water, or for sullage and sewage.

(2) No drain may be closed, discontinued or destroyed by the Commissioner under item (a) in sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain or other place aforesaid which the Commissioner thinks fit; and the expense of the construction of any drain so provided by the Commissioner and of any work done under the said item shall be paid by the Commissioner.

(3) Any requisition made by the Commissioner under item (b) of sub-section (1) may embrace any detail specified in item (a) or (b) in section 164.

**169.** Subject to the provisions of sub-section (2) of section 153, every drain which has been constructed, laid, erected or set up, whether at the expense of the Corporation or not, or which is continued for the sole use and benefit of any premises or group of premises shall—

Vesting and maintenance of drains for sole use of properties.

(a) notwithstanding anything contained in section 170, vest in the owner of such premises or group of premises on and from the appointed day;

(b) be provided with all such further appliances and fittings as may appear to the Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleansed and emptied by the Commissioner at the charge of the Municipal Fund.

**170.** All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage works constructed, erected or set up at any time at the charge of the Municipal Fund or at the charge of the funds of any local authority having jurisdiction in any part of the City before the appointed day upon any premises not belonging to the Corporation and otherwise than for the sole use and benefit of the premises or group of premises shall, unless the Corporation has otherwise determined, vest in the Corporation.

Right of Corporation to drains etc. constructed, etc. at charge of Municipal Fund on premises not belonging to Corporation.

**171.** (1) It shall not be lawful newly to erect any building, or to re-erect any building, or to occupy any building newly erected or re-erected unless and until—

New building not to be erected without drains.

(a) a drain be constructed of such size, material and description, at such level and with such fall as shall appear to the Commissioner to be necessary for the effectual drainage of such building;

(b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from the premises in which such building is situated; but if no such drain or place is within that distance then such drain shall empty into such cesspool, as the Commissioner directs.

**172.** Every owner of a drain connected with a municipal drain, or other place legally set apart for the discharge of drainage shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 173.

Obligation of owners of drains to allow use or joint ownership to other.

How right  
of use of  
joint  
ownership  
of a drain  
may be  
obtained by  
a person  
other than  
the owner.

**173.** (1) Any person desiring to drain his premises into a municipal drain through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof.

(2) Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid but belonging to some person other than the said owner or occupier, the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorise the said owner or occupier to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleansing and emptying the joint drain, or otherwise, as may appear to him equitable.

(3) Every such order bearing the signature of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

- (a) connecting the two drains ; or
- (b) renewing, repairing or altering the connection; or
- (c) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleansing or emptying the joint drain or any part thereof.

(4) In respect of the execution of any work under sub-section (3) the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 162.

Sewage and  
rain water  
drains to be  
distinct.

**174.** Whenever it is provided, in this Chapter that steps shall or may be taken for the effectual drainage of any premises, the Commissioner may require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain water and unpolluted sub-soil water or for both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other places legally set apart for the discharge of drainage or other suitable places.

**175.** (1) For the purpose of ventilating any drain or cesspool, whether belonging to the Corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary and cut through any projection from any building including the eaves of any roof thereof in order to carry up such shaft or pipe through any such projection and lay in, through, or under any land such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated.

Affixing of pipes for ventilation of drains etc.

(2) Such shaft or pipe shall be erected or affixed or removed in the manner laid down in the rules.

(3) If the Commissioner declines to remove a shaft or pipe under the rules, the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Judge, within fifteen days of the receipt by him of the reply of the Commissioner.

(4) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the Municipal Fund.

#### *Disposal of Sewage.*

**176.** The Commissioner may cause all or any municipal drains to empty into any place, whether within or without of the City, and dispose of the sewage at any place whether within or without the City, and in any manner which he shall deem suitable for such purpose :

Appointment of places for emptying of drains and disposal of sewage.

Provided that—

(a) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the Corporation;

(b) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which the <sup>1</sup> [State] Government shall think fit to disallow.

**177.** The Commissioner may, for the purpose of receiving, creating, storing, disinfecting, distributing or otherwise disposing of sewage, construct any work within or without the City or purchase or take on lease any land, building, engine, material or apparatus either within or without the City or enter into any arrangement with any person for any period not exceeding twenty years for the removal or disposal of sewage within or without the City.

Provision of means for disposal of sewage.

#### *Water-closets, Privies, Urinals, etc.*

**178.** (1) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any rule or by-law for the time being in force as he may prescribe.

Construction of water closets and privies.

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) In prescribing any such terms the Commissioner may determine in each case—

(a) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other ; and

(b) what shall be the site or position of each water-closet or privy.

(3) If any water-closet or privy constructed on any premises in contravention of sub-section (1), the Commissioner may, after giving not less than ten days notice to the owner or occupier of such premises, close such water-closet or privy, and alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.

Water-closets and other accommodation in buildings newly erected or re-erected.

**179.** (1) It shall not be lawful to erect or to re-erect or convert within the meaning of section 253 any building for, or intended for, human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation and accommodation for bathing or for the washing of clothes and domestic utensils of such building as the Commissioner may prescribe :

<sup>1</sup>[Provided that it shall be lawful with the permission of the Commissioner to erect, re-erect or convert any building as aforesaid without water-closet or privy accommodation on any plot of land not exceeding one thousand square feet situated in such area or areas as the Commissioner with the previous sanction of the Standing Committee, having regard to the relatively undeveloped and rural character thereof, considers it unessential to provide for such water-closet or privy accommodation].

(2) In prescribing any such accommodation the Commissioner may determine in each case—

(a) whether such building or work shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(b) what shall be the site or position of each water-closet, privy, urinal or bathing or washing place and their number.

(3) In determining the accommodation to be required under sub-section (2) the Commissioner shall have regard to the necessity of providing adequate and suitable water-closets or privies and bathing places for domestic servants employed by the occupants of the building.

<sup>2</sup>[(4) Where permission to erect, re-erect or convert any building without water-closet or privy accommodation in any area is given under the proviso to sub-section (1), the Commissioner shall provide and maintain privies and laterines in proper and convenient places in that area or in the vicinity thereof within such period as the State Government may, in consultation with the Commissioner, determine in this behalf.

<sup>1</sup> This proviso was added by Mah. 39 of 1963, s. 2(a).

<sup>2</sup> Sub-sections (4) and (5) were added, *ibid.* s. 2 (b).

(5) If the Commissioner fails to provide privies and latrines within the period determined as aforesaid, the State Government may provide for such privies and latrine, and direct that the cost thereof shall be paid out of the Municipal Fund; and thereupon, the provisions of section 449 shall apply to the recovery of such cost as they apply in relation to the recovery of expenses incurred in pursuance of an order as is mentioned in sub-section (2) of section 448].

**180.** The Commissioner shall provide and maintain in proper and convenient situations water-closets, latrines, privies and urinals and other similar conveniences for public accommodation. Public necessities.

*Inspection.*

**181.** (1) All drains, ventilation-shafts and pipes, cess-pools, house-gullies, water-closets, privies, latrines and urinals and bathing and washing places which do not belong to the Corporation, or which have been constructed, erected or set up at the charge of the Municipal Fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner. Drains, etc., not belonging to Corporation to be subject to inspection and examination.

(2) The Commissioner may, in the course of an inspection or examination under sub-section (1), obtain and take away a sample of any trade effluent which is passing from the premises inspected or examined into a Municipal drain. The analysis of such sample shall be made in the manner prescribed by the rules.

(3) The results of any analysis of a sample taken under sub-section (2) shall be admissible as evidence in any legal proceedings under this Act.

**182.** For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to building or any portion of a building, which he shall think fit, to be opened, broken up or removed. Power to open ground etc., for purposes of inspection and examination.

**183.** (1) If upon any such inspection and examination as aforesaid, it shall be found that the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place examined is in proper order and condition, and that none of the provisions of this Act or of the rules or by-laws or any other enactment for the time being in force has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner. Expenses of inspection and examination.

(2) If it shall be found that any drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal or bathing or washing

place so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or, except when the same has been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this Act or the rules or bye-laws or of any enactment for the time being in force the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

Commissioner  
may require  
repairs, etc.,  
to be made.

**184.** (1) When the result of such inspection and examination as aforesaid is as described in sub-section (2) of section 183 the Commissioner may—

(a) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situated or for the benefit of which the same has been constructed, erected or set up—

(i) to close or remove the same or any encroachment thereupon or, subject to the proviso to clause (c) of sub-section (1) of section 186, to remove any projection over the same, or

(ii) to renew, repair, cover, recover, trap, ventilate, flush, pave and pitch or take such other order to keep the same in working condition by effecting such other works as he shall think fit to direct and to fill in, reinstate and make good the ground, building, or thing opened, broken up or removed for the purpose of such inspection and examination ; and

(b) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Act or the rules or by-laws, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(2) Any requisition under clause (a) of sub-section (1) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

Cost of  
inspection  
and  
execution of  
works in  
certain  
cases.

**185.** In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not—

(a) a drain constructed under sub-section (1) of section 167, or

(b) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under sub-section (2) of section 173,

the expenses of any inspection and examination made by the Commissioner under section 181 and of the execution of any work required under section 184, whether executed under section 188 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined by the Commissioner.

<sup>1</sup>[185A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

Mah. XXVIII of 1971. Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

<sup>1</sup> Sections 185A and 185B were inserted by Mah. 9 of 2011, s. 4.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Judge, before whom an appeal may be filed under section 406 but no such appeal shall be entertained by such Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

Power of  
Commissioner  
to make  
declaration  
of aesthetic  
harmony.

**185B.** (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of particular urban space, the external appearance of any building or building including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefore, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirement under the declaration under sub-section (1), within the period specified, the Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by

the owner to the Judge, before whom an appeal under section 406 may be filed, but no such appeal shall be entertained by such Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.]

*General Provisions.*

**186.** (1) No person shall—

(a) in contravention of any of the provisions of this Act or rules or by-laws or of any notice issued or direction given under this Act or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, setup, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal or bathing or washing place or any trap, covering or other fitting or appliance connected therewith ;

Prohibition of acts contravening the provisions of the Act, rules or by-laws or done without sanction.

(b) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal or bathing or washing place, or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Act or the rules or by-laws;

(c) without the written permission of the Commissioner, make any projection over or encroachment upon, or in any way injure or cause or permit to be injured, any drain, cess-pool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place :

Provided that nothing in this clause shall apply to any weather-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house ;

(d) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes, dung or any substance or matter which is likely to injure the drain or, to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents ;

(e) pass, or permit or cause to be passed, into any drain provided for a particular purpose any matter or liquid for the conveyance of which such drain has not been provided ;

(f) except as provided by or under this Act cause or suffer to be discharged into any drain any chemical refuse or waste steam or any liquid of a temperature higher than one hundred and twenty degrees Fahrenheit, being refuse or steam which when so treated is, either along or in combination with the contents of the drain, dangerous or the cause of a nuisance or prejudicial to health;

(g) cause or suffer to be discharged into any drain, carbide of calcium or any such crude petroleum, any such oil made from petroleum, coal, shale or bituminous substances, or such product of petroleum or mixture containing petroleum as gives off under test an inflammable vapour at a temperature of less than seventy three degrees Fahrenheit.

(2) If the person carrying out any work or doing any act in contravention of any of the clauses of sub-section (1) is not at the time of the notice the owner of such building or work, then the owner of such building or work shall be deemed to have been responsible for carrying out all such requisitions in the same way as the person so carrying out would have been liable.

Water closets etc. not to be injured or improperly fouled.

**187.** (1) No person shall injure or foul any water-closet, privy, urinal or bathing or washing place or any fittings or appliances in connection therewith which have been provided for the use in common of the inhabitants of one or more buildings.

(2) If any such water-closet, privy, urinal or bathing or washing place or any fitting or appliance in connection therewith or the approaches thereto or the walls, floors or seats or anything used in connection therewith are in such a state as to be a nuisance or source of annoyance to any inhabitant of the said building or buildings or to any inhabitant of the locality or passer-by for want of proper cleaning thereof, such of the persons having the use thereof as may be in default or, in the absence of evidence as to which of the persons having the use thereof in common is in default, every such person shall be deemed to have contravened the provisions of this section.

(3) The provisions of this section shall not exempt the owner of the building or buildings from any penalty to which he may otherwise have rendered himself liable.

Commissioner may execute certain works under this Act without allowing option to persons concerned of executing the same.

**188.** (1) The Commissioner may, if he thinks fit, cause any work described in this Chapter or in Chapter IX of the Schedule to be executed by Municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Corporation shall by a general or special order or resolution sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the Municipal Fund.

## CHAPTER XIII.

## WATER SUPPLY.

*Construction and maintenance of municipal water works.*

**189.** (1) When the Commissioner has given public notice under clause (b) of sub-section (1) of section 130 that the Corporation has arranged to supply water to any portion of the City from municipal water works by means of private water connections or of public stand-post or by any other means, it shall be incumbent on him to take all such measures as may be practicable to ensure that a sufficient supply is available for meeting the reasonable requirements of the residents of such portion of the City.

Water  
supply.

(2) For the purposes of carrying out the obligation imposed by sub-section (1) and of providing the City with a supply of water proper and sufficient for public and private purposes, the Commissioner may with the approval of the Corporation—

(a) construct, maintain in good repair, alter, improve and extend water-works either within or without the City, and do any other necessary acts ;

(b) purchase or take on lease any water-work or any water or right to store or to take and convey water either within or without the City ;

(c) enter into an arrangement with any person for a supply of water.

(3) All municipal water-works shall be managed by the Commissioner.

**190.** Any person appointed by the <sup>1</sup>[State] Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water works.

Inspection  
of municipal  
water works  
by persons  
appointed  
by <sup>1</sup>[State]  
Government.

**191.** The Commissioner and any person appointed by the <sup>1</sup>[State] Government under section 190 in this behalf may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water works, at all reasonable times—

Power of  
access to  
Municipal  
water  
works.

(a) enter upon and pass through any land, within or without the City, adjacent to or in the vicinity of such water-works, in whomsoever such land may vest ;

(b) cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

**192.** (1) For the purpose of carrying, renewing and repairing water-mains, pipes and ducts within or without the City, the Commissioner shall have the same powers and be subject to the same restrictions as he has and is subject to under the provisions herein before contained for carrying, renewing and repairing drains within the City.

Power of  
carrying  
water-  
mains, etc.

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) This section shall apply in respect of carrying, renewing and repairing private water-mains, pipes and ducts as it applies in respect of carrying, renewing and repairing municipal water-mains, pipes and ducts.

Fire-hydrants to be provided.

**193.** The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the City where a municipal fire-engine is kept, and do such other things for the purpose aforesaid, as he shall deem expedient.

Prohibition of certain acts affecting the municipal water-works.

**194.** (1) Except with the permission of the Corporation, no person shall—

(a) erect any buliding for any purpose whatever on any part of such area as shall be demarcated by the Commissioner surrounding any lake, tank, well or reservior from which a supply of water is derived for a municipal water work ;

(b) remove, alter, injure, damage or in any way interfere with the demarcation works of the area aforesaid ;

(c) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the area aforesaid ; or

(d) carry on, within the area aforesaid, any operation of manufacture, trade or agriculture in any manner, or do any act whatever, whereby injury may arise to any such lake, tank, well or reservoir or to any portion thereof or whereby the water of any such lake, tank, well or reservoir may be fouled or rendered less wholesome.

(2) Except as hereinafter provided, no person shall—

(a) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought thereinto or thereupon anything, or to be done any fact, where by the water therein may be in anyway fouled or polluted or its quality altered ;

(b) alter the surface of any municipal land adjacent to or forming part of any such work by digging thereinto or depositing thereon any substance ;

(c) cause or suffer to enter into the water in such work any animal ;

(d) throw or put anything into or upon the water in such work ;

(e) bathe in or near such work ; or

(f) wash or cause to be washed in or near such work any animal or thing.

Obligation of Corporation to partake common facility.

<sup>1</sup>**[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

<sup>1</sup> Section 194A was inserted by Mah. 28 of 2012, s. 4.

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.]

**195.** (1) Without the written permission of the Commissioner, no building, wall or structure of any kind shall be newly erected or re-erected and no street or minor railway shall be constructed, over any municipal water-main.

Buildings, etc., not to be erected over municipal water-main without permission.

(2) If any building, wall or structure be so erected or re-erected or any street or minor railway be so constructed, the Commissioner may, with the approval of the Standing Committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

*Public Gratuitous Water-Supply.*

**196.** (1) All existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the City shall vest in the Corporation and be under the control of the Commissioner.

Vesting of public drinking fountains, etc. in the Corporation.

(2) The Commissioner may maintain the said works and provide them with water, and when authorised by the Corporation in this behalf construct any other such works for supplying water for the gratuitous use of the inhabitants of the City :

Provided that water carried away by any of the inhabitants from any such work shall be taken only for personal or domestic purposes and not for the purpose of business or sale and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(3) The Commissioner may temporarily, and with the approval of the Corporation permanently close any of the said works either entirely or partially.

(4) If any such work is permanently closed either entirely or partially by the Commissioner the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the Corporation :

Provided that if any such work which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason

the Corporation thinks fit to direct otherwise, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the Corporation and by the heirs or other representatives, if any, of the said person.

Public drinking fountains, etc., may be set apart for particular purposes.

**197.** (1) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(2) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

*Private Water Supply.*

Conditions as to use of water not to be contravened.

**198.** No person to whom water is supplied by measurement or according to the size of the connection or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (2) of section 134 for the use of such water, or permit any such condition to be contravened.

Water-pipes etc., not to be placed where water will be polluted.

**199.** No water-pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted and no well or tank and, except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a privy, water-closet or cesspool.

Prohibition of fraudulent and unauthorised use of water.

**200.** (1) No person shall fraudulently dispose of any water supplied to him by the Corporation.

(2) No person to whom a private supply of water is furnished by the Corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(3) No person who does not reside on premises in respect of which water-tax is paid shall carry away water from any premises to which a private supply is furnished by the Corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

*General.*

Power to supply water without the City.

**201.** The Commissioner may supply water from a municipal water-work to any local authority or person without the City on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the Corporation.

## CHAPTER XIV.

## STREETS.

*Construction, Maintenance and Improvement of Streets.*

**202.** All streets within the City being, or which at any time become, public streets, except which on the appointed day vested in the <sup>1</sup>[Government] or which after the said day may be constructed and maintained by an authority other than the Corporation, and the pavements, stones and other materials thereof shall vest in the Corporation and be under the control of the Commissioner.

Vesting of public streets in Corporation.

**203.** (1) The Commissioner shall from time to time cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require, and may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of pedestrians :

Power of Commissioner in respect of public streets.

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees or such higher amount as the Corporation may from time to time fix, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the Corporation.

(2) With the sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street vested in the Corporation :

Provided that such sanction of the Corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting have been received and considered by the Corporation.

**204.** Whenever any public street or part of a public street, is permanently closed under section 203, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the Corporation, subject to the previous sanction of the <sup>1</sup>[State] Government.

Disposal of land forming site of closed streets.

**205.** The Commissioner, when authorised by the Corporation in this behalf, may at any time—

Power to make new public streets.

(a) lay out and make a new public street ;

(b) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

expense of the Corporation, and that such street shall become, on completion, a public street, which shall vest in the Corporation ;

(c) construct bridges and sub-ways ;

(d) divert or turn an existing public street vested in the Corporation or a portion thereof.

Minimum  
width of  
new public  
streets.

**206.** (1) The Corporation shall from time to time with the sanction of the <sup>1</sup>[State] Government specify the minimum width for different classes of public streets according to the nature of the traffic likely to be carried thereon, the localities in which they are situated, the heights upto which buildings abutting thereon may be erected and other similar considerations.

(2) The width of a new public street made under section 205 shall not be less than that prescribed under sub-section (1) for the class to which it belongs, and no steps and, except with the written permission of the Commissioner under section 227, no other projections shall extend on to any such street.

Power to  
adopt,  
construct or  
alter any  
sub-way,  
bridge, etc.

**207.** The Commissioner when authorized by the Corporation in this behalf, may agree with any person—

(a) to adopt and maintain any existing or projected sub-way, bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such sub-way, bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the Corporation, or

(b) for the construction or alteration of any such sub-way, bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundations and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation.

Power to  
prohibit use  
of public  
streets for  
certain  
kinds of  
traffic.

**208.** (1) It shall be lawful for the Commissioner with the sanction of the Corporation to—

(a) prohibit vehicular traffic in any particular public street vesting in the Corporation so as to prevent danger, obstruction or inconvenience to the public by fixing up posts at both ends of such street or portion of such street ;

(b) prohibit in respect of all public streets, or particular public streets, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be deemed likely to cause injury to the roadways or any construction thereon, or risk of obstruction to other vehicles or pedestrians along or over such street or streets, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions and the payment of special charges as may be specified by the Commissioner generally or specially in each case.

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(2) Notices of such prohibitions as are imposed under sub-section (1) shall be posted up in conspicuous places at or near both ends of the public streets or portions thereof to which they relate, unless such prohibitions apply generally to all public streets.

**209.** (1) The Commissioner may, subject to the provisions of sections 77, 78 and 79 —

Power to acquire premises for improvement of public streets.

(a) acquire any land required for the purpose of opening, widening, extending, diverting or otherwise improving any public street, bridge or sub-way or of making any new public street, bridge or sub-way and the buildings, if any, standing upon such land ;

(b) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the Corporation to acquire outside of the regular line, or of the intended regular line, of such street ;

(c) lease, sell or otherwise dispose of any land or building purchased under clause (b).

(2) The acquisition of land for providing, extending or improving a place for the parking of vehicles shall be deemed to be acquisition of land for the purpose of providing, extending or improving a public street.

(3) Any conveyance of land or of a building under clause (c) of sub-section (1) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

**210.** (1) The Commissioner may,

Power to prescribe street lines.

(a) prescribe a line on one or both sides of any public street :

Provided that every regular line of a public street operative under any law for the time being in force in any part of the City on the day immediately preceding the appointed day shall be deemed to be a street line for the purposes of this Act until a street line is prescribed by the Commissioner under this clause ;

(b) from time to time, but subject in each case to the previous approval of the Standing Committee, prescribe a fresh line in substitution for any line so prescribed or for any part thereof :

Provided that such approval shall not be accorded unless, at least one month before the meeting of the Standing Committee at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in the local newspapers and special notice thereof, signed by the Commissioner, has also been put up in

the street or part of the street for which such fresh line is proposed to be prescribed and until the Standing Committee has considered all objections to the said proposal made in writing and delivered at the office of the Municipal Secretary not less than three clear days before the day of such meeting.

(2) The line for the time being prescribed shall be called “ the regular line of the street ”.

(3) A register with plans attached shall be kept by the Commissioner showing all public streets in respect of which a regular line of the street has been prescribed and such register shall contain such particulars as to the Commissioner may appear to be necessary and shall be open to inspection by any person upon payment of such fee as may from time to time be prescribed by the Standing Committee.

(4) (a) Subject to the provisions of sub-section (5), no person shall construct or reconstruct any portion of any building on land within the regular line of the street except with the written permission of the Commissioner and in accordance with the conditions imposed therein and the Commissioner shall in every case in which he gives such permission, the same time, report his reasons in writing to the Standing Committee.

(b) No person shall construct or reconstruct any boundary wall or a portion of a boundary wall within the regular line of the street except with the written permission of the Commissioner :

Provided that if, within sixty days after the receipt of an application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to acquire the land within the regular line of the street under section 213, the said person may, subject to any other provisions of this Act or the rules or by-laws, proceed with the work of construction or reconstruction of such boundary wall or a portion thereof, as the case may be.

(5) (a) When the Commissioner grants permission under clause (a) of sub-section (4) for the construction or reconstruction of any building on land within the regular line of the street he may require the owner of the building to execute an agreement binding himself, and his successors in title not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or any of his successors by written notice to remove any work carried out in pursuance of such permission or any portion thereof and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner.

(b) The Commissioner may before granting such permission require the owner to deposit in the municipal office an amount sufficient in his opinion to cover the cost of removal and such compensation, if any, as may be payable to any successor in title or transferee of such building.

**211.** (1) If any building or any part of a building abutting on a public street is within the regular line of the street, the Commissioner may, whenever it is proposed—

Setting back buildings to the regular line of the street.

(a) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet ; or

(b) to remove, reconstruct or make any addition to or structural alteration in any portion of such building which is within the regular line of the street,

in any order which he issues concerning the rebuilding, alteration or repair, of such building, require such building to be set back to the regular line of the street.

(2) When any building or any part thereof within the regular line of the street falls down or is burnt down or is taken down, whether under the provisions of this Act or otherwise, the Commissioner may at once take possession on behalf of the Corporation of the portion of land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the Corporation.

**212.** (1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the Commissioner, it is necessary to set back the building to the regular line of the street he may, if the provisions of section 211 do not apply, by written notice—

Additional power of Commissioner to order setting back of buildings to regular line of street.

(a) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner ; or

(b) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner.

(2) If such owner fails to show sufficient cause to the satisfaction of the Commissioner why such building or any part thereof, which is within the regular line of the street shall not be pulled down and the land within the said line acquired as aforesaid the Commissioner may, with the approval of the Standing Committee, require the owner by a written notice, to pull down the building or the part thereof which is within the regular line of the street within such period as is prescribed in the notice.

(3) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner.

(4) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the said line theretofore occupied by the said building, and such land shall thenceforward be deemed a part of the public street and shall vest as such in the Corporation.

(5) Nothing in this section shall be deemed to apply to buildings vesting in the <sup>1</sup>[Government].

Acquisition  
of open land  
or of land  
occupied by  
platforms,  
etc., within  
regular line  
of street.

**213.** If any land not vesting in the Corporation, whether open or enclosed, lies within the regular line of a public street and is not occupied by a building, or if a platform, verandah, step, compound wall, hedge or fence or some other structure external to a building, abutting on a public street or a portion of a platform, verandah, step, compound wall, hedge or fence or other such structure, is within the regular line of such street, the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention to do so, take possession on behalf of the Corporation of the said land with its enclosing wall, hedge or, fence, if any, or of the said platform, verandah, step or other such structure as aforesaid or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street and, if necessary, clear the same and the land so acquired, shall thenceforward be deemed a part of the public street :

Provided that when the land or building is vested in the <sup>1</sup>[Government], possession shall not be taken as aforesaid, without the previous sanction of the Government concerned and, when the land or building is vested in any Corporation constituted by any law for the time being in force, possession shall not be taken as aforesaid, without the previous sanction of the <sup>2</sup>[State] Government.

Acquisition  
of the  
remaining  
part of  
building and  
land after  
their  
portions  
within a  
regular line  
of the street  
are  
required.

**214.** (1) If a building or land is partly within the regular line of a public street and if the Commissioner is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land within the said line and such surplus land shall be deemed to be a part of the public street vesting in the Corporation.

(2) Such surplus land may thereafter be utilised for the purpose of setting forward of buildings under section 215.

Setting  
forward of  
buildings to  
the line of  
the street.

**215.** (1) If any building which abuts on a public street is in rear of the regular line of such street, the Commissioner may, whenever it is proposed—

(a) to rebuild such building, or

<sup>1</sup> This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

<sup>2</sup> This word was substituted for the word "Provincial", *ibid*.

(b) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street to an extent exceeding one-half of such building or portion thereof above the ground level, such half to be measured in cubic feet,

in any order which he issues concerning the rebuilding, alteration or repair of such building, permit or, with the approval of the Standing Committee, require to be set forward to the regular line of the street.

(2) For the purpose of this section, a wall separating any premises from a public street shall be deemed to be a building ; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner, is erected along the said line.

**216.** (1) Compensation shall be paid by the Commissioner to the owner of any building or land required for a public street under sections 211, 212, 213 or 214 for any loss which such owner may sustain in consequence of his building or land being, so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner :

Compensation to be paid and betterment charges to be levied.

Provided that—

(i) any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation ;

(ii) if any such increase in value exceeds the amount of loss sustained or expenses incurred by the said owner, the Commissioner may recover from such owner half the amount of such excess as a betterment charge.

(2) If, in consequence of an order to set forward a building made by the Commissioner under section 215, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any increase in value likely to accrue from the set forward.

(3) If the additional land which will be included the premises of any person required or permitted under section 215 to set forward a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be sufficient conveyance to the said owner of the said land ; and the price to be paid to the Corporation by the said owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the said order or permission.

(4) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or any of the other terms or conditions of the conveyance, the Commissioner shall upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Judge.

*Provisions regarding Private Streets.*

Notice to be given to Commissioner of intention to layout lands for buildings and for private streets.

**217.** Every person who intends—

(a) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon,

(b) to divide land (whether unbuilt or partly built) into building plots,

(c) to use any land or a portion thereof or permit the same to be used for building purposes, or

(d) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give written notice, of his intention to the Commissioner and shall, along with such notice, submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of all other lands of such person of which such building land or site forms a part and the intended development, laying out and plotting of such building land including the dimensions and area of each building plot and also the intended level, direction, width, means of drainage, paving, metalling and lighting of such private street, the provisions for planting and rearing of trees beside such private streets and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building and the manner of paving, metalling, draining and lighting of such means of access.

Commissioner may call for further particulars.

**218.** If any notice under section 217 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case or if any such notice given for any of, or all, the purposes mentioned in clause (a), (b) or (c) of the said section does not contain any proposal or intention to make or lay out a private street, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice—

(a) to furnish the required information together with all or any of the documents specified in the rules, or

(b) to revise any or all the schemes submitted under the said clause (a), (b) or (c) so as to provide for the making or laying out of a private street, or private streets of such width or widths as he may specify in addition to or in substitution of any means of access proposed to be provided in such scheme or schemes and to furnish such further information and documents relating to the revised scheme or schemes as he may specify.

Commissioner may require plans to be prepared by licensed surveyor.

**219.** The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 217 or 218 which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

**220.** (1) The laying out of land for building, the dimensions, and area of each building plot, the level, direction, width and means of drainage of every private street, the kind and number of trees to be planted and reared beside such streets and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or either side of such street shall be fixed and determined by the Commissioner subject to such general directions as the Standing Committee may give in this behalf from time to time with the general object of securing sanitary conditions, amenity and convenience in connection with the laying out and use of the land and of any neighbouring lands, and also with the object that the proposed private street may not conflict with any arrangement which have been made or which are, in the opinion of the Commissioner, likely to be made for carrying out any general scheme of new streets or of improvements of existing streets in the locality :

Laying out of land dimensions and area of each building plot laying out of private streets and buildings and heights of buildings to be determined by Commissioner.

Provided that if, within sixty days after the receipt by the Commissioner of any notice under section 217 or of the plans, sections, descriptions, scheme or further information, if any, called for under section 218, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice has not been communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.

(2) When the Commissioner signifies in writing to the said person his approval of the said work under certain conditions or without any conditions, or when the said work is deemed to have been approved by the Commissioner as aforesaid, the said person may at any time within one year from the date of the delivery of the notice under section 217 to the Commissioner, proceed with the said work in accordance with the intention as described in the notice or in any of the documents aforesaid and in accordance with the conditions, if any, prescribed by the Commissioner, but not so as to contravene any of the provisions of this Act or any rule or bye-law.

**221.** (1) No person shall sell, let, use or permit the use of any land whether undeveloped or partly developed for building or divide any such land into building plots, or make or lay out any private street—

Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

(a) unless such person has given previous written notice of his intention as provided in section 217 not until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any) as may have been fixed and determined under sub-section (1) of section 220 ;

(b) after the expiry of the period of one year specified in sub-section (2) of section 220 ;

(c) unless such person gives written notice to the City Engineer of the date on which he proposes to proceed with any work which he is entitled to carry out and commences such work within seven days of the date mentioned in the notice.

(2) If any act be done or permitted in contravention of this section, the Commissioner may by written notice require any person doing or permitting such act—

(a) to show cause on or before such day as shall be specified in such notice by statement in writing subscribed by him in that behalf and addressed to the Commissioner, why the laying out, plotting, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or, if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or

(b) to attend personally or by an agent duly authorised by him in that behalf on such day and at such time and place as shall be specified in such notice and show cause as aforesaid.

(3) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.

Renewal of notice of intention to carry out works not executed in pursuance of approval given under section 220.

**222.** If a person who is entitled to proceed with any work under section 220 fails so to do within the period of one year specified therein he may at any time give fresh notice of his intention to execute such work and such notice shall be treated as a new notice under section 217.

Levelling and draining of private streets and means of access.

**223.** If any private street or any other means of access to a building be not levelled, metalled, flagged or paved, sewered, drained, channelled, lighted or provided with trees for shade to the satisfaction of the Commissioner, he may, with the sanction of the Standing Committee, by written notice, require the owner or owners of the several premises fronting or adjoining the said street or other means of access or abutting thereon or to which access is obtained through such street or other means of access or which will benefit by works executed under this section to carry out any one or more of the aforesaid requirements in such manner as he shall direct.

Power to declare private streets when sewered, etc., public streets.

**224.** When any private street has been levelled, metalled, flagged or paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owners or of any of the owners, of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction and if all land revenue payable to the <sup>1</sup>[State] Government in respect of the land comprised in such street has been paid, declare

<sup>1</sup> This word was substituted for the word " Provincial" by the Adaptation of Laws Order, 1950.

the same to be a public street by notice in writing put up in any part of such street, and thereupon the same shall become a public street and vest in the Corporation as such :

Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

**225.** If a portion only of any street is a public street, the other portion of such street may for all purposes of sections 223 and 224 be deemed to be private street.

Applicability of sections 223 and 224 when a street is in part public and in part private.

#### *Projections and Obstructions.*

**226.** (1) Except as provided in section 227, no person shall erect, setup, add to, or place against or in front of any premises any structure or fixture, which will—

Prohibition of projections upon streets, etc.

(a) overhang, jut or project into, or in any way encroach upon, or obstruct in any way the safe or convenient passage of the public along, any street, or

(b) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Commissioner may, by written notice, require the owner or occupier of any premises to remove or to take such other order as he may direct with any structure or fixture which has been erected, setup, added to or placed against, or in front of, the said premises in contravention of this section or of any law in force in the City on the day immediately preceding the appointed day.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set-up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

(4) If any such structure or fixture as is described in sub-section (1) has been erected, set-up, added to, or placed against or in front of any premises at any time before the first day of April 1901, the Commissioner may give notice as aforesaid to the owner or occupier of the said premises :

Provided that if in any such case the structure or fixture was lawfully erected, set-up, added to or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projections  
over streets  
may be  
permitted in  
certain  
cases.

**227.** (1) The Commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street—

(a) to erect an arcade over such street or any portion thereof, or

(b) to put up a verandah, balcony, arch, connecting passage, sun-shed, weather-frame, canopy, awning, or other such structure or thing projecting from any storey over or across any street or portion thereof :

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcade has not been generally sanctioned by the Corporation.

(2) The provisions of section 226 shall not be deemed to apply to any arcade, verandah, balcony, arch, connecting passage, sun-shade, weather-frame, canopy, awning or other structure or thing re-erected or put up under and in accordance with the terms of a permission granted under this section.

(3) The Commissioner may at any time by written notice require the owner or occupier of any building to remove a verandah, balcony, sun-shade, weather-frame or the like put up in accordance with the provisions of sub-section (1) and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

Ground  
floor doors,  
etc., not to  
open  
outwards on  
streets.

**228.** The Commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street in such manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition  
of  
structures  
or fixtures  
which cause  
obstruction  
in streets.

**229.** (1) No person shall, except with the prpermission of the Commissioner under section 227 or 234, erect or set-up any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall be deemed to apply to any erection or thing to which clause (c) of sub-section (1) of section 239 applies.

Prohibition  
of deposit,  
etc., of  
things in  
streets.

**230.** (1) No person shall, except with the written permission of the Commissioner,—

(a) place or deposit upon any street, or upon any open channel, drain or well in any street or in any public place any stall, chair,