



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५६(२)]

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असाधारण क्रमांक १०७

प्राधिकृत प्रकाशन

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

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of Maharashtra Municipal Corporations (Amendment) Bill, 2017 (L.A. Bill No. XXXVII of 2017), introduced in the Maharashtra Legislative Assembly on the 24th July 2017, is hereby published under the authority of the Governor.

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

N. J. JAMADAR,

Principal Secretary and R. L. A. to Government,
Law and Judiciary Department.

L. A. BILL No. XXXVII of 2017.

A BILL

further to amend the Maharashtra Municipal Corporations Act.

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Corporations Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 2017, on the 13th June 2017 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and commen-
cement.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 13th June 2017.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment
of section 79
of LIX of
1949.

2. In section 79 of the Maharashtra Municipal Corporations Act, in clause (g),— LIX of 1949.

(a) for the portion beginning with the words “notwithstanding anything contained in this section,” and ending with the words “specially in any particular case of such land:”, the following portion shall be substituted, namely :—

“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,

(i) 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 eligible slum dwellers; or as the case may be, to the eligible slum dweller individually, at a premium to be decided by the State Government and subject to the prescribed terms and conditions; or

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of 1971.

(ii) 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

(iii) to any Department or undertaking of the Government of Maharashtra or of the Government of India, for the public purposes; or

(iv) to a public trust, society or company registered exclusively for medical and educational purposes, under the Maharashtra Public Trusts Act, or the Societies Registration Act, 1860, or the Maharashtra Co-operative Societies Act, 1960, or the Companies Act, 2013, as the case may be; or

XXIX of
1950.

XXI of
1860.

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18 of
2013.

(v) to a public trust registered under the Maharashtra Public Trusts Act, or 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, 2013, 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 garbage,

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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.

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 :”;

(b) for the existing *Explanation*, the following *Explanation* shall be substituted, namely :—

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“*Explanation*.—For the purposes of this clause, “eligible slum dweller” means the eligible slum dweller as defined in clause (c-b) of section 2 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.”.

CHAPTER III

MISCELLANEOUS

3. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act, as amended by this Act, the State Government may, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Act, as amended by this Act, as may appear 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 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.

4. (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2017, is hereby repealed.

Repeal of
Mah. Ord. X
of 2017 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Municipal Corporations Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the said Act, as amended by this Act.

STATEMENT OBJECTS AND REASONS

Clause (g) of section 79 of the Maharashtra Municipal Corporations Act (LIX of 1949), provides that, 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 Municipal 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 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 Maharashtra Public Trusts Act; 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 garbage, 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. There was no other provision in the said Act for granting the land for lesser value than the current market value for social causes such as public purposes, educational purposes, medical purposes, etc.

2. Therefore, it was considered expedient to amend the clause (g) of the said section 79, on the lines of the provisions contained in clause (dd) of section 92 of the Mumbai Municipal Corporation Act (III of 1888), suitably.

3. It was also considered expedient to explicitly provide that, the land belonging to the Corporation which is declared as a slum area, may be granted on lease, at such rent, which may be less than the market value of the premium, rent or other consideration, to the co-operative society of eligible slum dwellers or to the eligible slum dweller, individually.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Corporations Act (LIX of 1949), for the purposes aforesaid, the Maharashtra Municipal Corporations (Amendment) Ordinance, 2017 (Mah. Ord. X of 2017), was promulgated by the Governor of Maharashtra on the 13th June 2017.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
dated the 11th July 2017.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 3.—Under this clause, power is taken to the State Government to issue an order for removing any difficulty, which may arise in giving effect to the provisions of the Maharashtra Municipal Corporations Act (LIX of 1949) as amended by this Act, within a period of two years from the date of commencement of the Amendment Act.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.