



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १५५

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 the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2018 (L.A. Bill No. LXXII of 2018), introduced in the Maharashtra Legislative Assembly on the 26th November 2018, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. LXXII OF 2018.

A BILL

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

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

CHAPTER I

PRELIMINARY.

1. This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018. Short title.

(१)

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

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

(a) before the existing proviso, the following proviso shall be inserted, namely :—

“Provided that, where the Municipal Corporation has granted approval to the implementation of the *Pradhan Mantri Awas Yojana* of the Central Government on the land belonging to it, the Commissioner shall grant lease of such land to the eligible individual beneficiary in the manner, as may be notified by the State Government :”;

(b) in the existing proviso, for the words “Provided that,” the words “Provided further that,” shall be substituted.

CHAPTER III

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

Amendment of section 92 of Mah. XL 1965. **3.** In section 92 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (1), the following proviso shall be inserted, namely :— Mah. XL of 1965.

“ Provided that, where the Council has granted approval to the implementation of the *Pradhan Mantri Awas Yojana* of the Central Government, on the land belonging to it, the Chief Officer shall grant lease of such land to the eligible individual beneficiary in the manner, as may be notified by the State Government.”.

CHAPTER IV

MISCELLANEOUS

Power to remove difficulty. **4.** (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act 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 the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty : LIX of 1949. Mah. XL of 1965.

Provided that, no such order shall be made after 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.

STATEMENT OF OBJECTS REASONS

Section 79 of the Maharashtra Municipal Corporations Act (LIX of 1949) provides for the provision governing the disposal of Municipal property and section 92 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) provides for the provisions regarding transfer of municipal property for various purposes.

2. The existing provisions in the said Acts do not provide for the grant of lease of a land belonging to the Corporation or the Council, to the eligible individual beneficiaries of the *Pradhan Mantri Awas Yojana* of the Central Government.

3. To facilitate effective implementation of the *Pradhan Mantri Awas Yojana* and to achieve the objective of the policy 'Housing for all', the Government considers it expedient to amend section 79 of the Maharashtra Municipal Corporations Act and section 92 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, suitably for conferring enabling power on the Commissioner and on the Chief Officer for grant of lease of land belonging to the Municipal Corporation or Municipal Council, as the case may be, where the approval to the implementation of *Pradhan Mantri Awas Yojana* on the land belonging to it is granted by such local authority, to the eligible individual beneficiary of the said Scheme.

4. Hence this Bill.

Mumbai,

Dated the 22nd November 2018.

DEVENDRA FADNAVIS,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :-

Clause 2.—Under this clause, which seeks to insert the proviso to clause (g) of section 79 of the Maharashtra Municipal Corporations Act, power is taken to the State Government to notify, the manner in which the Commissioner shall grant lease of a land belonging to the Corporation to the eligible individual beneficiary of the *Pradhan Mantri Awas Yojana*.

Clause 3.—Under this clause, which seeks to insert the proviso to sub-section (1) of section 92 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, power is taken to the State Government to notify, the manner in which the Chief Officer shall grant lease of a land belonging to the Council to the eligible individual beneficiary of the *Pradhan Mantri Awas Yojana*.

Clause 4.—Under this clause, power is taken to the State Government to remove, by an Order published in the *Official Gazette*, any difficulty, which may arise in giving effect to the provisions of this Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.