



सत्यमेव जयते

Maharashtra Municipal Corporations

2017 June 13th

महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष '३,' अंक ६७(३)

शुक्रवार, सप्टेंबर १, २०१७/भाद्र १०, शके १९३९

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असाधारण क्रमांक १३४ 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 (Amendment) Act, 2017 (Mah. Act No. LIII of 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.

MAHARASHTRA ACT No. LIII OF 2017.

(First published, after having received the assent of the Governor in the Maharashtra Government Gazette, on the 1st September 2017).

An Act 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:—

(१)

11/XX
1702

to XIX
0701

to XIX
0801

LIX of
1949.
Mah.
Ord. X
of 2017.

to XIX
0801

to XIX
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to XIX
1001

to XI
0102

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

Mah.
XXVIII
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.

Mah.
XXIV of
1961.

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,

XXIX of
1950.

XXI of
1860.

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XXIV of
1961.

18 of
2013.

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 :—

Mah.
XXVIII
of 1971.

“*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.

Mah.
Ord. X of
2017.

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.

LIX of
1949.