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शुक्रवार, एप्रिल ८, १९८८/चंद्र १९, शके १९१०

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 8th April 1988 :—

L. A. BILL No. X OF 1988.*A BILL**further to amend the Bombay Provincial Municipal Corporations Act, 1949.*

Bom. WHEREAS, it is expedient furtherto amend the Bombay Provincial Municipal LIX Corporations Act, 1949, for the purposes hereinafter appearing; It is hereby enacted of 1949. in the Thirty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Provincial Municipal Corporations Short title. (Amendment) Act, 1988.

- Amendment of section 19 of Bom. LIX of 1949. Election of Mayor, Deputy Mayor and Chairman of Committees.
2. In section 19 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act"), for sub-section (1), the following shall be substituted, namely :—
- " 19. (1)(a) The Corporation shall at its first meeting after general election and at its first meeting in the same month in each succeeding year elect from amongst the councillors the Mayor, Deputy Mayor and Chairmen of various committees.
- (b) The Municipal Secretary shall send to every councillor, notice of the date fixed for said election.
- (c) At any time before noon on the day preceding the date so fixed, any councillor may give notice in writing addressed to the Municipal Secretary, of a motion that another councillor (as specified by him) be chosen as the Mayor, Deputy Mayor or Chairman of a committee (as specified in the motion). Every such notice shall be seconded by a third councillor and shall be accompanied by statement by the councillor whose name is proposed in the notice that if elected, he is willing to serve as Mayor/Deputy Mayor or Chairman, as the case may be :
- Provided that a councillor shall not propose his own name or second the motion proposing his own name or propose or second more than one motion.
- (d) A councillor in whose name a motion stands on the list of business may, when called move the motion or withdraw the motion and shall confine himself to a mere statement to that effect.
- (e) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved, and decided, if necessary, by show of hands. If any motion is carried, the person presiding shall, without putting later motions, declare that the councillor proposed in the motion which has been carried has been chosen as the Mayor/Deputy Mayor or Chairman of the committee, as the case may be."
- Deletion of section of 21 of Bom. LIX of 1949.
3. Section 21 of the principal Act, shall be deleted.
- Amendment of section 25 of Bom. LIX of 1949.
4. In section 25 of the principal Act, sub-section (2) shall be deleted.
- Amendment of section 27 of Bom. LIX of 1949.
5. In section 27 of the principal Act, sub-sections (1) and (4) shall be deleted.
- Amendment of section 30 of Bom. LIX of 1949.
6. In section 30 of the principal Act, sub-section (3) shall be deleted.
- Amendment of section 43 of Bom. LIX of 1949.
7. In section 43 of the principal Act, in sub-section (2), after the words "Commissioner shall" the following shall be inserted, namely :—
- " attend not less than 90 per cent of the total meetings of the Corporation and shall "

8. In section 45 of the principal Act, to sub section (2), the following further proviso shall be added, namely :—

“ Provided further that appointment of officers belonging to Class I and Class II cadres shall be pooled together and the posts shall be filled by inter-transfer of officers of respective cadres from one corporation to another. ”

Amendment
of section 45
of Bom. LIX
o 1949.

9. In section 100 of the principal Act, after second proviso, the following proviso shall be added, namely :—

“ Provided also that after the budget estimates are finally adopted by the corporation, the Commissioner shall be responsible to expend the moneys provided for in the budget for various works and in the event he is not in a position to implement the schemes for which funds have been provided for due to legal complications, he shall bring the fact to the notice of the corporation at the earliest opportunity or in its first general meeting whichever is earlier. While doing so, he shall also furnish the reasons therefor at the meeting. ”

Amendment
of section 100
of Bom. LIX
of 1949.

STATEMENT OF OBJECTS AND REASONS.

The Bombay Provincial Municipal Corporations Act, 1949 is an old legislation touching various aspects of local administration. Certain provisions in this Act have become outdated. It is, therefore, necessary to amend the Act suitably so as to meet the requirements of changing time. This Bill aims at certain such changes as indicated below:—

The existing provisions about election of Mayor, Deputy Mayor and Chairman of various committees needs to be changed in view of the provisions of anti-defection law which has now been made applicable to local authorities. Section 19 of this Act is, therefore, sought to be amended accordingly.

Section 43 of the present Act does not make it compulsory for the Commissioner to attend all the meetings of the Corporation. It is really necessary that such important meetings should be attended by the person of the stature of Commissioner and not by his deputies as is being done presently. The change now suggested seeks for the maximum attendance of the Commissioner at the meetings of the Corporation.

Section 45 of the present Act deals with appointment of persons to the posts of City Engineers, etc. Of late, number of Corporations in the State is on increase. This has resulted in the increased number of officers in Class I and II categories. Since the services in Corporations are non-transferable this results in creating vested interests, which is neither in the interest of administration nor in the interest of persons working in those cadres. The advantage of the experience and knowledge of higher rung of officers should be made available in equal proportions to all the Corporations in the State. In the services of the State Government inter-transfers are permissible and it has proved to be beneficial in the larger interests of the administration. The amendment proposed to this section seeks to achieve this objective.

The existing section 100 of the Act deals with adoption of the budget estimates. The proviso to this section says that if the budget estimates are not finally adopted by the Corporation on or before 31st day of March, the estimates as recommended by the Standing or Transport Committee shall be deemed to be budget estimates finally adopted by the Corporation. It is necessary to view these provisions with seriousness they deserve. It often so happens that a large amount of moneys provided for either remain unspent or have to be spent by sanctioning re-appropriations at a large scale which besides being against the principles of budgetary propriety lead to disturbing of priorities provided for in the budget. A third proviso has, therefore, been suggested to this section providing that once the budget estimates are adopted by the Corporation, it would be mandatory for the Commissioner to spend the money provided for various works and projects and in the event he is not in a position to implement the schemes or projects because of legal complications he shall bring the fact to the notice of the Corporation at the earliest opportunity.

Hence this Bill.

Bombay, dated the 18th February 1988.

SHARAD RANPISE,
Member-in-charge.

Bombay, dated the 8th April 1988

BHASKAR SHETYE,
Secretary (I),
Maharashtra Legislative Assembly.