



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, नोव्हेंबर २८, २००७/अग्रहायण ७, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

(अध्यादेश, विधेयके व अधिनियम यांचा 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 Municipal Councils (Second Amendment) Bill, 2007 (L. A. Bill No. LXXVIII of 2007), introduced in the Maharashtra Legislative Assembly on the 27<sup>th</sup> November, 2007 is hereby published under the authority of the Governor.

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

A. M. SHINDEKAR,  
Secretary to Government,  
Law and Judiciary Department.

**L. A. BILL No. LXXVIII OF 2007.**

*A BILL*

*further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*

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

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing : it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2007.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

(४००)

शामुना-एचबी-१८६१-आठ-१११.

[किंमत : रुपये ९.००]

Short title  
and  
commence-  
ment.

**CHAPTER II****AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT**

Insertion of Chapter IV-A in Bom. III of 1888.

**2.** After section 86 of the Mumbai Municipal Corporation Act, the following Chapter shall be inserted, namely :—

**“ CHAPTER IV-A****DISCLOSURE OF SPECIFIED INFORMATION**

Disclosure of specified information.

**86A.** (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;
- (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 identification 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 Gazette*, 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 permission 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 III

#### AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Bom.  
LIX of  
1949.

3. After section 60 of the Bombay Provincial Municipal Corporations Act, 1949, the following Chapter shall be inserted, namely :—

Insertion of  
Chapter  
IV-A in  
Bom. LIX of  
1949.

### “ CHAPTER IV-A

#### 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).

Disclosure  
of specified  
informa-  
tion.

(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;
- (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 identification 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 Gazette*, 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 IV

#### AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P.  
and  
Berar  
II of  
1950.

4. After section 56 of the City of Nagpur Corporation Act, 1948, the following Chapter shall be inserted, namely :—

Insertion of  
Chapter  
IV-A in C.P.  
and Berar II  
of 1950.

#### “ CHAPTER IV-A

#### DISCLOSURE OF SPECIFIED INFORMATION

56A. (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).

Disclosure  
of specified  
informa-  
tion.

(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;

(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 identification 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 Gazette*, 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 permission 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

### AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah.  
XL of  
1965.

5. After section 87 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the following Chapter shall be inserted, namely :—

Insertion of  
Chapter VI-A  
in Mah. XL  
of 1965.

## “ CHAPTER VI-A

### DISCLOSURE OF SPECIFIED INFORMATION

87A. (1) The Council shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Council to disclose the information, specified in sub-section (3).

Disclosure  
of specified  
informa-  
tion.

(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 Council at its Head Office as well as other offices, if any;

(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 Council.

(3) The Council shall be required to disclose the following information, namely :—

(i) particulars of the Council;

(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 Council 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 Council;

(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;

(vi) the statement showing each of the services provided by the Council;

(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 Council, and manner and criteria of identification 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 Gazette*, 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 permission that remain uncollected and the reasons thereof;

(c) share of taxes levied by the State Government and transferred to the Council and the grants released to the Council;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Council, 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.”.

## STATEMENT OF OBJECTS AND REASONS

The centrally sponsored Scheme of "Jawaharlal Nehru National Urban Renewal Mission", in regard to infrastructure development of the major cities, is being implemented in the State. As per the conditions of the said Scheme, the State Government is required, *inter alia*, to enact a public disclosure law for the Municipal Corporations and Municipal Councils, in order to ensure transparency in the working of the said bodies, and to make citizens and tax payers aware of the same.

2. The Government, therefore, considers it expedient to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, with a view to add a new Chapter on public disclosure, in the said Acts.

3. The Bill is intended to achieve the above objectives.

Nagpur,  
Dated the 26<sup>th</sup> November 2007.

VILASRAO DESHMUKH,  
Chief Minister.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

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

*Clause 1 (2).*—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force;

*Clause 2.*—Under this clause, which seeks to insert new section 86A in the Mumbai Municipal Corporation Act, power is taken to the State Government,—

(a) to prescribe by rules, the mode, in which information may be published; and

(b) to notify in the *Official Gazette*, the particulars of major works to be specified by the Corporation;

*Clause 3.*—Under this clause, which seeks to insert new section 60A in the Bombay Provincial Municipal Corporations Act, 1949, power is taken to the State Government,—

(a) to prescribe by rules, the mode, in which information may be published; and

(b) to notify in the *Official Gazette*, the particulars of major works to be specified by the Corporation;

*Clause 4.*—Under this clause, which seeks to insert new section 56A in the City of Nagpur Corporation Act, 1948, power is taken to the State Government,—

(a) to prescribe by rules, the mode, in which information may be published; and

(b) to notify in the *Official Gazette*, the particulars of major works which may be specified by the Corporation;

*Clause 5.*—Under this clause, which seeks to insert new section 87A in the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, power is taken to the State Government,—

(a) to prescribe by rules, the mode, in which information may be published; and

(b) to notify in the *Official Gazette*, the particulars of major works to be specified by the Council.

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