



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ४२(५)]

मंगळवार, जुलै १९, २०१६/आषाढ २८, शके १९३८

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ६९

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 Mumbai Municipal Corporation (Amendment) Bill, 2016 (L. A. Bill No. XXVIII of 2016), introduced in the Maharashtra Legislative Assembly on the 19th July 2016, is hereby published under the authority of the Governor.

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

P. H. MALI,

Principal Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXVIII OF 2016.

A BILL

further to amend the Mumbai Municipal Corporation Act.

III of 1888. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Mumbai Municipal Corporation (Amendment) Act, 2016. Short title

III of 1888. 2. In section 354 of the Mumbai Municipal Corporation Act (hereinafter referred to as "the principal Act"), after sub-section (2), the following sub-sections and *Explanation* shall be added, namely:— Amendment of section 354 of III of 1888.

“(3) If it shall appear to the Commissioner that any building is dangerous and needs to be pulled down under sub-section (1), the Commissioner shall call upon the owner, before issuing notice thereunder, to furnish a statement in writing signed by the owner stating therein the names of the occupiers of the building known to him or from his record, the area in occupation and location of premises in occupation, possession of each of the respective occupiers or tenants, as the case may be.

(4) If he fails to furnish the statement as required by sub-section (3) within the stipulated period, then the Commissioner shall make a list of the occupants of the said building and carpet area of the premises in their respective occupation and possession alongwith the details of location.

(5) The action taken under this section shall not affect the *inter- se* rights of the owners or tenants or occupiers, including right of re-occupation in any manner.

Explanation.—For the purposes of this section, “the tenant” shall have the same meaning as assigned to it in clause (15) of section 7 of the Maharashtra Rent Control Act, 1999.”

Mah.
XVIII of
2000.

Amendment
of section
499 of III of
1888.

3. In section 499 of the principal Act,—

(a) after sub-section (2), the following sub-sections shall be added, namely:—

"(3) If the owner fails to commence the reconstruction of the building which is pulled down in pursuance of section 489 read with section 354, within the period of one year from the date of demolition, the tenants shall be entitled to form an association or society and take appropriate steps for reconstruction of the building.

(4) The owner of the building, which is pulled down in pursuance of section 489 read with section 354, shall complete the reconstruction or redevelopment within a period of three years from the date of demolition of such building or such extended period as may be granted by the authority specified by the Government, by notification in the *Official Gazette*. If the owner fails to complete the reconstruction or redevelopment within the said period, then the tenants shall be entitled to form an association or society and take appropriate steps for reconstruction of such building.

(5) After reconstruction or redevelopment of such building as per sub-section (3) or (4), as the case may be, the area equivalent to the area occupied by the tenant shall be handed over to him by the owner, association or, the society, as the case may be, without any further delay and within one month from the date of completion of reconstruction or redevelopment, as the case may be, of such building.

(6) The right of reconstruction to the tenants under sub-section (3) or (4) shall only be for reconstruction to the extent of the area of demolished building. The ownership rights and title to the land including reconstructed or redeveloped building shall continue to remain with the owner and the status of the tenants shall remain as tenants only.”;

(b) after *Explanation II*, the following *Explanation* shall be added, namely:—

“*Explanation III.*—For the purposes of this section, “the tenant” shall have the same meaning as assigned to it in clause (15) of section 7 of the Maharashtra Rent Control Act, 1999.”

XVIII of
2000.

STATEMENT OF OBJECTS AND REASONS.

Under section 354 of Mumbai Municipal Corporation Act, (III of 1888), the Commissioner may, by written notice, require the owner or occupier of the building to pull down, secure or repair it, if it shall appear to the Commissioner that any such structure is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or place in the neighbourhood thereof. Under the policy of the Corporation, such buildings are categorized as C-1, C-2A, C-2B. Many such old dilapidated buildings in Mumbai are demolished by the Municipal Corporation of Brihan Mumbai but are not reconstructed by the owners. When the buildings are demolished by the owner, the rights of the tenants are protected under the Maharashtra Rent Control Act, 1999 (Mah. XVIII of 2000). However, such protection is not available, if the building is required to be pulled down by the Corporation in pursuance of section 354 and 499 of Mumbai Municipal Corporation Act. Therefore, the question about the tenant's right to shelter in such buildings remains unaffected. The tenants also do not vacate such buildings because they are not assured about the time period for reconstruction of these buildings. At a times, the issue about safety of the tenants also arises. To protect the right to shelter of the tenants and to ensure their safety, it is considered expedient to carry out suitable amendments in sections 354 and 499 of the Mumbai Municipal Corporation Act.

2. The salient features of the proposed amendments are as under :—

(a) *Empowering the Commissioner to obtain the statement by owner or occupier.*— The Commissioner is empowered to require the owner of any building, which is dangerous and needs to be pulled down under sub-section (1), before issuing notice thereunder, to furnish a statement in writing signed by the owner stating therein the names of the occupiers of the building known to him or from his record, the area in occupation and location of premises in occupation, possession of the respective occupiers or tenants, as the case may be, and other matters relating thereto. For the purpose, it is proposed to add new-sub-sections (3) to (5) in section 354.

(b) *Procedure when owner fails to reconstruct the pulled down buildings.*— Laying down the procedure when the owner fails to reconstruct or redevelop the building which is pulled down under section 354 and for that purpose, it is proposed to add new sub-sections (3) to (6) in section 499.

(c) *Ownership rights and title will remain unchanged.*— The rights of reconstruction of the tenants are given to the extent of area of reconstructed demolished building and such rights will not in any way affect the ownership rights, title to the land including the reconstructed building. The status of tenants will remain as tenant only.

3. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 15th July, 2016.

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, which seeks to add new sub-sections (3) to (6) to section 499 of the Mumbai Municipal Corporation Act (III of 1888), power is taken to the State Government, in sub-section (4) thereof, to specify the authority who may grant extension beyond the period of three years within which the owner shall complete the reconstruction or redevelopment of the demolished building.

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