



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुरूवार, जानेवारी १८, २००७ / पोष २८, २००७

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

भाग आठ

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 (Temporary Provisions) Ordinance, 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.

[Translation in English of the Maharashtra Municipal Corporations (Temporary Provisions) Ordinance, 2007 (Mah. Ord. I of 2007), published under the authority of the Governor.]

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 18th January 2007.

MAHARASHTRA ORDINANCE No. I OF 2007.

AN ORDINANCE

to make provisions for preparation of special budget by the Municipal Corporations, the general elections of which are to be held in February 2007.

WHEREAS the general elections to the Brihan Mumbai, Thane, Ulhasnagar, Pune, Pimpri-Chinchwad, Solapur, Nashik, Akola, Amravati and Nagpur Municipal Corporations are to be held on the 1st February 2007;

AND WHEREAS the Model Code of Conduct to ensure holding of free and fair elections has been prescribed by the State Election Commission ;

AND WHEREAS, in consonance with the prescribed Code of Conduct, with a view to ensure the free and fair elections to the abovementioned Municipal Corporations, and also with a view to give opportunity to newly elected bodies which will come in office after the general elections to prepare the budgets of their respective Corporation, the Government of Maharashtra considers it expedient to make special provisions by making a temporary law for sanction of revised estimates for the year 2006-2007 and, preparation of special budget by each of the said Municipal Corporations, to be operative for a period commencing on the 1st April 2007 and ending on the 31st July 2007 or such earlier date on which the regular budgets are made by the said Municipal Corporations after the general elections ;

AND WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make special provisions, by making a temporary law, for the purposes aforesaid ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title,
commence-
ment and
application.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations (Temporary Provisions) Ordinance, 2007.

(2) It shall come into force at once.

(3) It shall apply to the Municipal Corporations, of which the general elections are to be held on the 1st February 2007.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) “relevant municipal law” means,—

(i) in the case of the Municipal Corporation of Brihan Mumbai, the Mumbai Municipal Corporation Act ;

(ii) in the case of the Municipal Corporation of the City of Nagpur, the City of Nagpur Corporation Act, 1948 ;

(iii) in the case of any other Municipal Corporation, the Bombay Provincial Municipal Corporations Act, 1949 ;

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(b) words and expressions used in this Ordinance, but not defined herein shall have the meanings respectively assigned to them in the relevant municipal law.

3. (1) Notwithstanding anything contained in the relevant municipal law or the rules contained therein or made thereunder,—

(a) in the case of the Municipal Corporations, the Commissioner;

(b) in the case of the Brihan Mumbai Electricity Supply and Transport Undertaking, the General Manager; and

(c) in the case of the Transport Undertakings, the Transport Manager,

shall prepare a statement of estimated income and expenditure equal to four times the average monthly income and expenditure for the official year or, the financial year 2006-2007 in case of each of the budgets specified therein.

(2) The statement prepared under sub-section (1) shall be construed as the budget for the first four months of the official year 2007-2008 or the financial year 2007-2008, as the case may be, and will be in operation till the 31st July 2007 or till such earlier date on which the regular budgets are finalised by the concerned Municipal Corporation constituted after the general elections are held on the 1st day of February 2007.

4. Except as otherwise provided by this Ordinance, the provisions with regard to preparation of the budgets contained in the relevant municipal law or the rules contained therein or made thereunder shall to the extent they are not inconsistent with the provisions made by this Ordinance, *mutatis mutandis*, apply in respect of preparation of budget or any matter connected therewith.

5. Notwithstanding anything contained in the relevant Municipal Law or the rules contained therein or made thereunder,—

(a) the schedule setting forth the designations and grades of the officers and servants and the amount and nature of the salaries, fees and allowances that would be paid to each of them, prepared by the Commissioner shall be deemed to have been sanctioned by the Standing Committee or, as the case may be, the Education Committee; and

(b) the Commissioner, may, during the official year or financial year, 2006-2007, increase the amount of any budget grant or make an additional budget grant for the purpose of

Budget of the Municipal Corporations and the Transport Undertakings.

Application of the relevant municipal law and rules contained therein or made thereunder.

Special temporary powers of Commissioner.

meeting any special or unforeseen requirement arising during the said year ;

(c) notwithstanding anything contained in sub-section (1) of section 3, the Commissioner may make adequate provision as he deems expedient, considering the nature of expenditure required to be incurred, during first four months of the year 2007-2008.

Removal of
difficulty.

6. If any difficulty arises in giving effect to the provisions of any of the relevant municipal law or rules contained therein or made thereunder, as they stand amended by this Ordinance, the State Government may, as occasion arises, by order, take such action, not inconsistent with the provisions of the relevant municipal law, as amended by this Ordinance, as appears to it to be necessary for the purposes of removing such difficulty.

STATEMENT

The provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, make it imperative for the various municipal authorities, who are charged with carrying out the provisions of the said Acts, to prepare the estimate of income and expenditure for the ensuing financial or official year, as the case may be. As the general elections to the 10 Municipal Corporations are to be held on the 1st February 2007, in keeping with the directions of the State Election Commission, it is felt that the estimates of income and expenditure for the entire official or financial year 2007-2008 should not be presented to and prepared and sanctioned by, the outgoing bodies of the said Municipal Corporations and that the budgets for the official or financial year, 2007-2008 of the said Municipal Corporations should be presented to and prepared and sanctioned by, the new bodies which are elected in the general elections and come to office. Therefore, it is considered expedient to empower the Commissioners, the General Manager of the *Brihan* Mumbai Electric Supply and Transport Undertaking and the Transport Managers of the Transport Undertakings of the various Municipal Corporations to which general elections are to be held on the 1st February 2007, to prepare and adopt the Statement of Income and Expenditure equal to four times the average monthly income and expenditure for the official or financial year 2006-2007. It is also considered necessary to provide that such Statements shall be construed as the budgets for the first four months of the financial year, or as the case may be, official year 2007-2008 of these Corporations; and that it will be in operation till 31st July 2007 or till the earlier date on which regular budgets are finalised by the Municipal Corporations constituted after the general elections held on the 1st February 2007. The Government, therefore, considers it expedient to make special provisions, for the said purposes, by making a temporary law in this behalf.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make special provisions by making a temporary law, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 18th January 2007.

S. M. KRISHNA,

Governor of Maharashtra.

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

Dr. J. M. PHATAK,

Principal Secretary to Government.