



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक ३] शुक्रवार, मार्च २०, २००९/फाल्गुन २९, शके १९३० [पृष्ठे ६, किंमत : रुपये २०.००

असाधारण क्र. १७

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 and Municipal Councils (Temporary Provisions) Ordinance, 2009 (Mah. Ord. III of 2009), is hereby published under the authority of the Governor.

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

(Translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Temporary Provisions) Ordinance, 2009 (Mah. Ord. III of 2009), published under the authority of the Governor.).

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 20th March 2009.

MAHARASHTRA ORDINANCE No. III OF 2009.

AN ORDINANCE

to make provisions for preparation of special budget in the Financial Year 2009-2010 by the Municipal Corporations and Municipal Councils, in view of the Lok Sabha Elections.

WHEREAS the general elections to the *Lok Sabha* in the State are to be held in the month of April 2009 ;

AND WHEREAS the Model Code of Conduct to ensure holding of free and fair elections has already come into force ;

AND WHEREAS in consonance with the prescribed Code of Conduct, with a view to ensure the free and fair elections, the Government of Maharashtra considers it expedient to make special provisions by making a temporary law for sanction of revised estimates for the year 2008-2009 and, preparation of special budget by such Municipal Corporations and Municipal Councils, where, for any reason either the budget proposals cannot be submitted by the Standing Committee or such proposals cannot be passed by the Corporations and Councils, to be operative for a period commencing on the 1st April 2009 and ending on the 31st July 2009 or such earlier date on which the regular budgets are made by the said Municipal Corporations and Councils after the said 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
and
commencement.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations and Municipal Councils (Temporary Provisions) Ordinance, 2009.

(2) It shall come into force at once.

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 ; Bom. III of 1888.

(ii) in the case of the Municipal Corporation of the City of Nagpur, the City of Nagpur Corporation Act, 1948 ; C.P. and Berar II of 1950.

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

(iv) in the case of the Municipal Councils, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 ; Mah. XL of 1965.

(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) If for any reason,—

(i) the Standing Committee of the Corporation or of the Council is not in a position to submit the budget estimates to the Corporation or to the Council, as the case may be; or

(ii) the Corporation or the Council is not in a position to approve the budget estimates for the financial year 2009-2010,

then 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 ;

(c) in the case of the Transport Undertakings, the Transport Manger ; and

(d) in the case of the Municipal Councils, the Chief Officer, shall prepare a statement of the estimated income and expenditure equal to four times the average monthly income and expenditure for the official year or, the financial year 2008-2009 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 or the financial year 2009-2010, as the case may be, and will be in operation till the 31st July 2009 or till such earlier date on which the regular budgets are finalised by the concerned Municipal Corporation or the Municipal Council after the general elections to the Lok-Sabha.

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. (1) The Commissioner of the Corporation or the Chief Officer of the Council, may, during the official year or financial year 2008-2009, increase or decrease the amount of any budget grant or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year.

(2) Notwithstanding anything contained in sub-section (1) of section 3, the Commissioner or the Chief Officer, as the case may be, may make adequate provision as he deems expedient, considering the nature of expenditure required to be incurred, during first four months of the year 2009-2010.

Special provisions for budget estimates of certain Corporations and Councils.

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

Special temporary powers of Commissioner and Chief Officer.

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, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, 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 year or official year. The process of preparation of such estimates is initiated, in respect of Municipal Corporations in the months of February and March each year, in respect of Municipal Councils in the month of December and culminates in its final adoption in the months of February or March.

2. The general elections to the *Lok Sabha* in the State are to be held in the month of April 2009. Accordingly, the Model Code of Conduct has already come into force on declaration of the election programme. During the period the Model Code of Conduct is effective, there are restrictions on the announcing of new schemes, revision of taxes, etc. As such, in case the Municipal Corporation or the Municipal Council has not adopted its budget estimates for the official year or financial year 2009-2010, it may not be possible for such bodies to adopt such estimates, till the Model Code of Conduct remains in force.

In order to enable such Municipal Corporations or Municipal Councils to make provisions for the expenditure during the first four months, the Commissioner of the Municipal Corporation and the General Manager of the Brihan Mumbai Electricity Supply and Transport Undertaking, the Transport Manager of the Transport Undertaking and the Chief Officer of the Municipal Councils are required to be empowered—

(i) to prepare a statement of estimated income and expenditure equal to four times of the average monthly income and expenditure for the official year or the financial year 2008-09, in case of each of the budgets specified therein, and to provide for such a statement to be construed as the budget for the first four months of the official year or the financial year 2009-2010, as the case may be, and for such a statement to be in operation till the 31st July 2009 or till such earlier date on which the regular budgets are finalised by the concerned Municipal Corporation or the Municipal Councils; and

(ii) to increase or decrease the amount of any budget grant or make an additional budget provision for the official year or financial year 2008-2009, as the case may be, for the purpose of meeting any special or unforeseen requirement arising during the said year.

The Government, therefore, considers it expedient to make special provisions, for the said purposes, by making a temporary law in this behalf.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, मार्च २०, २००९/फाल्गुन २९, शके १९३०

3. 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 20th March 2009.

S. C. JAMIR,
Governor of Maharashtra.

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

MANU KUMAR SHRIVASTAV,
Secretary to Government.