THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965

[*Text as on 4th April 2025*]

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1. Amended by Mah. 52 of 1965
2. Amended by Mah. 14 of 1966
3. Amended by Mah. 8 of 1967
4. Amended by Mah. 10 of 1967
5. Amended by Mah. 27 of 1967
6. Amended by Mah. 6 of 1968
7. Amended by Mah. 25 of 1969
8. Amended by Mah. 43 of 1969
9. Amended by Mah. 38 of 1971 (1-5-1974)
10. Amended by Mah. 12 of 1972
11. Amended by Mah. 34 of 1972
12. Amended by Mah. 21 of 1973 (15-11-1976)
13. Amended by Mah. 47 of 1973[1] (16-10-1973)
14. Amended by Mah. 4 of 1974 (23-10-1974)
15. Amended by Mah. 38 of 1974 (20-5-1974)
16. Amended by Mah. 16 of 1975 (1-4-1975)
17. Amended by Mah. 45 of 1975 (16-9-1975)
18. Amended by Mah. 9 of 1976 (12-4-1976)
19. Amended by Mah. 61 of 1977 (1-1-1978)
20. Amended by Mah. 10 of 1980[2] (29-12-1979)
21. Amended by Mah. 20 of 1980[3] (16-10-1980)
22. Amended by Mah. 12 of 1981 (4-2-1981)
23. Amended by Mah. 19 of 1981 (15-7-1981)
24. Amended by Mah. 20 of 1981 (28-4-1981)
25. Amended by Mah. 67 of 1981[4] (1-10-1981)
26. Amended by Mah. 68 of 1981 (28-12-1981)
27. Amended by Mah. 69 of 1981 (28-12-1981)
28. Amended by Mah. 11 of 1983 (1-5-1983)
29. Amended by Mah. 27 of 1983[5] (20-5-1983)

1 This Act, except section 5 thereof, was deemed to have come into force on 16th October 1973.

2 Maharashtra Ordinance No. XI of 1979 was repealed by Mah. 10 of 1980, s. 11(*1*).

3 Maharashtra Ordinance No. XII of 1980 was repealed by Mah. 20 of 1980, s. 23

4 Maharashtra Ordinance No. XIII of 1981 was repealed by Mah. 67 of 1981, s. 6.

5 Maharashtra Ordinance No. XI of 1983 was repealed by Mah. 27 of 1983, s. 5.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

30. Amended by Mah. 32 of 1983[1,2] (1-4-1981)

31. Amended by Mah. 34 of 1983[3] (18-6-1983)

32. Amended by Mah. 7 of 1984[4] (30-3-1984)

33. Amended by Mah. 7 of 1986[5] (20-12-1985)

34. Amended by Mah. 4 of 1987 (18-2-1988)

35. Amended by Mah. 20 of 1987 (1-11-1987)

36. Amended by Mah. 11 of 1988 (25-4-1988)

1 Maharashtra Ordinance No. XIII of 1983 was repealed by Mah. 32 of 1983.

2 Section 5 of Mah. 32 of 1983 reads as follow :—

—5. Validation of certain taxes levied and collected without notice of increase of rate of tax to owners and occupiers of properties.— Notwithstanding anything contained in the principal Act, or in any rules or by-laws made thereunder or in any judgment, decree or order of any Court, any taxes levied and collected in accordance with the provisions of the principal Act by any Council on and after the 1st April 1981, without giving any notice to the owners and occupiers of the properties of any increase made in the rate at which any tax is leviable or of the increased assessment of their properties due to any such increase in the rate of the tax, shall be deemed to be validly levied and collected and shall be deemed always to have been valid, and shall not be called in question in any Court on the ground only that any such notice was not given before the tax at the higher rate was levied and collected. No suit or other proceeding shall be maintained or continued in any Court for the refund of any amount of tax so levied and collected.‖.

3 Sections 4 and 5 of Mah. 34 of 1983 read as follows :—

—4. Validation of certain appointments to subordinate service.— Notwithstanding anything contained in the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973 (Mah. XXI of 1973), every person who has been appointed to any post in the subordinate service on or before the day immediately preceding the date of commencement of this Act, and who is still in the service on the date of commencement of this Act, shall be deemed to have been validly appointed to that post, notwithstanding that such person was not nominated or recommended by a Selection Board, or as the case may be, a Special Selection Board, under the said Act or the Maharashtra Public Services (Subordinate) Selection Board Rules, 1976, or any other Rules or Orders for the time being in force or that no revised rules for selection of candidates by a Selection Board or a Special Selection Board were framed; and no such appointment shall be called in question in any Court or before any authority merely on the ground that he was not duly selected or appointed: Provided that,—

(*a*) In the case of such appointment under the State Government, the initial appointment of the person is made,—

(*i*) in conformity with the age limit and minimum qualifications prescribed in the recruitment rules for the post in force at the time of such appointment;

(*ii*) from amongst candidates recommended by the Employment Exchange or Social Welfare Officer or Backward Class Organization authorized by Government to sponsor candidates for appointment to Government Service or the Collector from the list of candidates employed during the 1977-78 strike period;

(*iii*) in conformity with the orders issued by Government, from time to time, in respect of reservation of posts for persons belonging to backward classes, economically weaker sections, ex-servicemen, physically handicapped persons, or any other category; and

(*b*) in the case of such appointment under the *Zilla Parishads*, the Municipal Councils, the Municipal School Boards constituted under the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), the Maharashtra State Electricity Board constituted under the Electricity (Supply) Act, 1948 (LIV of 1948), and the Maharashtra State Road Transport Corporation constituted under the Road Transport Corporations Act, 1950 (LXIV of 1950), the initial appointment of the person is made in conformity, with their relevant rules or regulations or orders made by the authority concerned for the post, or any order issued in that behalf by Government, and in force at the time of such appointment.

Explanation.— For the purpose of determining the initial appointment referred to in the proviso to this section, any technical break in service effected, and any subsequent formal order of appointment made, in respect of any person, continued in any post in the Subordinate Service, in order to comply with the requirements of any rules or orders made or issued in respect of recruitment to the Subordinate Service, shall be ignored.

—5. Savings.— Save as otherwise provided in this Act, the provisions of section 7 of the Bombay General Clauses Act, 1904 (Bom. I of 1904) with regard to effect of repeal, shall apply.‖.

4 Section 7 of Mah. 7 of 1984 reads as under :—

—7. Removal of difficulty.— If any difficulty arises in giving effect to the provisions of any of the Acts, as amended by this Act, during the period of one year from the date of coming into force of this Act, the State Government may, as occasion arises, by order, do anything, not inconsistent with such provisions, which appears to it to be necessary or expedient for the purpose of removing the difficulty.‖.

5 Maharashtra Ordinance No. XIII of 1985 was repealed by Mah. 7 of 1986, s. 7.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

37. Amended by Mah. 28 of 1989[1] (12-6-1989)

38. Amended by Mah. 12 of 1990 (12-2-1990)[2]

39. Amended by Mah. 13 of 1990[3]

40. Amended by Mah. 26 of 1990

41. Amended by Mah. 33 of 1990 (17-9-1990)[4]

42. Amended by Mah. 22 of 1991 (9-9-1991)

43. Amended by Mah. 14 of 1992[5] (14-5-1992)

44. Amended by Mah. 21 of 1992[6] (10-8-1992)

45. Amended by Mah. 13 of 1993[7,8] (30-12-1992)

46. Amended by Mah. 18 of 1993

47. Amended by Mah. 30 of 1993 (1-9-1993)

48. Amended by Mah. 15 of 1994

49. Amended by Mah. 24 of 1994

50. Amended by Mah. 41 of 1994 (31-5-94)[9]

51. Amended by Mah. 43 of 1994[10] (2-11-1994)[11]

52. Amended by Mah. 44 of 1994[12] (11-11-1994)

1 Maharashtra Ordinance No. IV of 1989 was repealed by Mah. 28 of 1989, s. 8.

2 Maharashtra Ordinance No. III of 1990 was repealed by Mah. 12 of 1990, s. 14.

3 Section 9 of Mah. 13 of 1990 reads as under :—

—9. Sitting women councillors to continue to hold office.— For the removal of doubt, it is hereby declared that every woman Councillor elected to a reserved seat in any of the Municipal Councils established under the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965) and holding office as such Councillor on the date of commencement of the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990 (Mah. XIII of 1990), shall unless she resigns or is disqualified to hold such office of Councillor before the expiry of her term, continue to be such Councillor till the expiry of her term, as if the amendment made to the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965) by the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990 (Mah. XIII of 1990), had never been made.‖.

4 Maharashtra Ordinance No. IX of 1990 was repealed by Mah. 33 of 1990, s. 3.

5 Maharashtra Ordinance No. VI of 1992 was repealed by Mah. 14 of 1992, s. 3.

6 Maharashtra Ordinance No. IX of 1992 was repealed by Mah. 21 of 1992, s. 27.

7 Maharashtra Ordinance No. XVIII of 1992 was repealed by Mah. 13 of 1993, s. 7.

8 Section 7 of Mah. 13 of 1993 read as under :—

—7. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act, the State Government may, as occassion arises, by order do anything not inconsistent with such provisions, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years commencing on the 30th December 1992.‖

9 Maharashtra Ordinance No. X of 1994 was repealed by Mah. 41 of 1994, s. 163.

10 Maharashtra Ordinance No. XVII of 1994 was repealed by Mah. 43 of 1994, s. 6.

11 Section 5 of Mah. 43 of 1994 read as follows :—

—5. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises by order do anything not inconsistent with such provisions, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from 2nd November 1994.‖.

12 Maharashtra Ordinance No. XVIII of 1994 was repealed by Mah. 44 of 1994, s. 11.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

53. Amended by Mah. 5 of 1995[1] (31-5-1994)[2]

54. Amended by Mah. 13 of 1995 (12-6-1995)

55. Amended by Mah. 11 of 1996 (21-1-1996)
56. Amended by Mah. 21 of 1996 (16-5-1996)
57. Amended by Mah. 12 of 1997 (26-11-1996)[3]
58. Amended by Mah. 31 of 1999 (1-5-1999)
59. Amended by Mah. 2 of 2000 (30-4-1999)[4]
60. Amended by Mah. 43 of 2000 (13-9-2000)
61. Amended by Mah. 6 of 2001 (14-9-2000)[5]
62. Amended by Mah. 30 of 2001 (29-6-2001)[6]
63. Amended by Mah. 5 of 2002 (5-1-2002)

1 Maharashtra Ordinance No. V of 1995 was repealed by Mah. 5 of 1995, s. 13.

2 Sections 11, 13 to 20 and 23 shall be deemed to have came into force on 7th September 2001. Sections 20 and 23(*i*) shall be deemed to came have into force on 7th September 2001, sections 21 and 23(*ii*) on 7th November 2001 and sections 12 and 22 on 16th October 2001.

3 Section 1 and 5 of this Act were deemed to have came into force on 26th November 1996; and sections 2, 3 and 4 were deemed to have came into force on 31st May 1994.

4 Maharashtra Ordinance No. XXIII of 1999 was repealed by Mah. 2 of 2000, s. 5(*1*).

5 Maharashtra Ordinance No. XVI of 2000 was repealed by Mah. 6 of 2001, s. 3.

6 Maharashtra Ordinance No. XXII of 2001 was repealed by Mah. 30 of 2001, s. 3(*1*).

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

64. Amended by Mah. 8 of 2002[1,2,3]
65. Amended by Mah. 11 of 2002 (1-4-2002)[4]
66. Amended by Mah. 17 of 2002 (15-12-2001)[5]
67. Amended by Mah. 32 of 2003
68. Amended by Mah.16 of 2004 (1-1-2005)[6]
69. Amended by Mah. 1 of 2005(28-1-2004)[7]
70. Amended by Mah. 31 of 2006 (1-10-2006)[8]

1 Maharashtra Ordinance No. XXVIII of 2001 and XXXVII of 2001 were repealed by Mah. 8 of 2002, s. 24.

2 Sections 11 and 13 to 20 and 23(*i*) were deemed to have came into force on the 7th September 200; Sections 21 and 23(*ii*) were deemed to have came into force on the 7th November 2001; Sections 12 and 22 were deemed to have came into force on the 16th October 2001.

3 Sections 22 and 23 of Mah. 8 of 2002 reads as follows :—

—22. Removal of doubt.— For the removal of doubt it is hereby declared that sub-section (*3*) of section 3 of the Municipal Councils Act having been amended retrospectively, with effect from the 16th October 2001 (Mah. VIII of 2001), by the Maharashtra Municipal Corporations and Municipal Councils (Amendment) and Temporary Provisions for Conduct of Municipal Corporations Act, 2001,—

(*i*) any Government Proclamation, Notification, Order or Instrument issued or purported to have been issued in exercise or in pursuance of the provisions of sub-section (*3*) of section 3 read with sub-section (*2*) of section 6 of the Municipal Councils Act, on or after the 16th October 2001 till the 15th November 2001, being date of publication of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2001 (Mah. Ord. XXXVII of 2001), shall be and shall be deemed to have been issued under the said sub-section (*3*), as amended by the Maharashtra Municipal Corporations and Municipal Councils (Amendment) and Temporary Provisions for Conduct of Municipal Corporations Act, 2001 (Mah. VIII of 2001) (hereinafter, referred to as ―the amended sub-section (*3*)‖); and

(*ii*) the two months period specified for entertaining any objection to a proposal contained in such Government Proclamation, Notification, Order or Instrument shall be read and shall always be read as a period being not less than the period of thirty days, as specified under the amended sub-section (*3*), in such Proclamation, Notification, Order or Instrument, as the case may be, from the date of Publication of such Proclamation, Notification, Order or Instrument, in the *Official Gazette*;

(*iii*) it shall be lawful for the State Government to consider any objections that might have been received within the period or amended period as specified in such Proclamation, Notification, Order or Instrument, as the case may be, from the date of publication of such Proclamation, Notification, Order or Instrument in the *Official Gazette*, and thereafter,

after considering the same, issue the final Notification, Order or Instrument, in respect of the same, as the State Government may deem fit; and

(*iv*) no such final Notification, Order or Instrument issued by the State Government after considering any such objection after the said period, shall be called in question or deemed to be invalid only on the ground that the State Government had issued such final Notification, Order or Instrument, before the expiry of the period specified for entertaining any objections, in any such Government Proclamation, Notification, Order or Instrument, before its amendment as provided by section 12.

—23. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of,—

(*i*) any of the relevant Municipal Law or the Municipal Councils Act as amended by this Act, the State Government or, as the case may be, the State Election Commission, may, by order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of the relevant Municipal Law or the Municipal Councils Act, as amended by this Act, as may appear to it to be necessary or expedient for the purposes of removing the difficulty; (*ii*) any of the relevant Municipal Law or rules contained therein or made thereunder, as they stand amended by this Act, or, as also to any other provision in any of the relevant Municipal Law or the rules contained therein or made thereunder or by reason of anything contained therein, the State Election Commission may, as occasion arises, by order, take such action as appears to it to be necessary for the purpose of removing such difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.]

4 1st day of April 2002 for sections 45 to 47 and 50 and 14th day of February 2002 for sections 42 to 44, 48, 49, 51 and 52 of the Act *vide* G. N., U.D.D., No. MMC. 1199/218/C.R. 29/2002/UD-32, dated the 14th February 2002.

5 Maharashtra Ordinance No. XXXIX of 2001 was repealed by Mah. 17 of 2002, s. 6.

6 *vide* G.N., U.D.D., No. BNM 5004/375/C.R. 33/UD-32, dated 1st January 2005 (*seeM.G.G.*, Ext. dt. 1st January 2005, Pt. IA Central Section p. 2.)

7 Maharashtra Ordinance No. XIX of 2004 was repealed by Mah. 1 of 2005, s. 3.

8 Came into force *vide* G.N., U.D.D., No. MMC. 4006/205/C.R.-55/06/UD-32, dated the 15th September 2006.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

71. Amended by Mah. 35 of 2006 (1-10-2006)[1]

72. Amended by Mah. 36 of 2006 (13-12-2006)

73. Amended by Mah. 48 of 2006[2] (5-10-2006)

74. Amended by Mah. 49 of 2006[3] (27-10-2006)

75. Amended by Mah. 15 of 2007 (27-10-2006)[4]

76. Amended by Mah. 22 of 2007 (6-8-2007)

77. Amended by Mah. 33 of 2007 (1-3-2008)[5]

78. Amended by Mah. 02 of 2008 (4-1-2008)

79. Amended by Mah. 12 of 2008 (2-5-2008)

80. Amended by Mah. 13 of 2008 (12-5-2008)[6,7]

81. Amended by Mah. 06 of 2009 (14-1-2009)

82. Amended by Mah. 07 of 2009 (6-2-2009)[8]

83. Amended by Mah. 21 of 2009[9]

84. Amended by Mah. 10 of 2010 (1-6-2010)[10,11]

1 Came into force *vide* G.N., U.D.D., No. BNM. 5003/121/C.R.-19/UD-32, dated the 15th September 2006.

2 Maharashtra Ordinance No. X of 2006 was repealed by Mah. 48 of 2006, s. 6.

3 Maharashtra Ordinance No. XII of 2006 was repealed by Mah. 49 of 2006, s. 6.

4 Section 6 of Mah. 15 of 2007 reads as follows :—

—6. Validation and saving.— Notwithstanding anything contained in the second proviso to section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), any Councillor elected to reserved seat and who has not received the validity certificate from the Scrutiny Committee within a period of three months from the date of his election shall continue to hold the office of the Councillor for a further period of one month, as if, the period of three months for submission of the Validity Certificate has been extended by a further period of one month; and any action taken by such Councillor during the period commencing from the expiry of three months from the date of his election and ending on the date of publication of the Maharashtra Municipal

Corporations and Municipal Councils (Amendment) Act, 2007 (Mah. XV of 2007), shall be deemed to have been validly taken and shall not be challenged in any Court of law only on the ground that during the period of three months from the date of his election he had not submitted the validity certificate.‖.

5 Came into force *vide* G.N., No. U.D.D., BNM. 5006/351/C.R.-79/UD-32, dated the 28th February 2008 (Bom. III of 1888).

6 Came into force *vide* G.N., No. U.D.D., No. BNM. 5007/434/C.R.-119/UD-32, dated the 12th May 2008 (Bom. LIX of 1949).

7 Section 6 of Mah. 13 of 2008 reads as follows :—

—6. Removal of doubt.— For the removal of doubt, it is hereby declared that, the election to a reserved seat to the Municipal Corporations or Municipal Councils, before the date of coming into force of this Act, shall be regulated by the relevant provisions of the Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950), or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as they existed immediately before such date of commencement.‖.

8 Came into force *vide* G.N., No. U.D.D., No. MMC. 2008/291/C.R.-103/UD-32, dated the 6th February 2009.

9 Mah. 21 of 2009 has not brought into force till the 13th August 2013.

10 Section 113 of Mah. 10 of 2010 reads as follows :—

—113. Removal of doubt.— For the removal of doubt it is hereby declared that all proceedings in connection with any assessment, reassessment, levy (including levy of penalty) and collection of any property tax levied on the basis of rateable value relating to any period whatsoever, immediately before the date determined by the Council under sub-section (*4*) of section 105 to adopt capital value to be the base for levy of property taxes shall, notwithstanding anything contained in this Act but save as otherwise expressly provided therein, be continued and dealt with under the Municipal Councils Act as if this Act has not been enacted.‖.

11 Came into force *vide* G.N., No., U.D.D., No. MMC. 2008/466/C.R.-167/UD-32, dated the 31st May 2010.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

85. Amended by Mah. 27 of 2010[1] (2-8-2010) (26-8-2010)[2]

86. Amended by Mah. 01 of 2011 (14-1-2011)

87. Amended by Mah.09 of 2011 (1-5-2009)[3]

88. Amended by Mah. 11 of 2011[4] (10-3-2011)

89. Amended by Mah. 14 of 2011[5] (10-3-2011)

90. Amended by Mah. 20 of 2011 (21-4-2011)[6]

91. Amended by Mah. 26 of 2011[7] (26-5-2011)

92. Amended by Mah. 29 of 2011 (12-9-2011)[8,9]

1 Maharashtra Ordinance No. IX of 2010 and Mah. Ord. X of 2010 were repealed by Mah. 27 of 2010, s. 20.

2 Section 19 of Mah. 27 of 2010 reads as follows :—

—19. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C. P. and Berar of II of 1950) or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), in respect of the matters contained in this Act, the State Government may, as the occasion arises, by order published in the *Official Gazette*, do anything not inconsistent with the provisions of the Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950) or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as amended by this Act, which appears to it to be necessary for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the respective section of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.‖.

3 Sections 3, 5, 7 and 9 came into force *w.e.f.*, 1-5-2011 by *vide* G.N., U.D.D., No. BMC 5007/207/CR-71/UD-32, dated the 27th April 2011.

4 Maharashtra Ordinance No. X of 2011 was repealed by Mah. 11 of 2011, s. 17.

5 Maharashtra Ordinance No. XI of 2011 was repealed by Mah. 14 of 2011, s. 31.

6 Section 6 of Mah. 20 of 2011 reads as follows :—

—6. Power to remove difficulties.— (*1*) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of

1949), the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950) or the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as amended by this Act or by reason of anything contained therein, or in giving effect to any of those Acts in respect of the matters contained in this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing such difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each house of State Legislature.‖.

7 Maharashtra Ordinance No. XIII of 2011 was repealed by Mah. 26 of 2011, s. 5.

8 Section 9 of Mah. 29 of 2011 reads as follows :—

—9. Power to remove difficulties.— (*1*) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950), or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act (Mah. XL of 1965), the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of those Acts:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.‖.

9 Came into force *vide* G.N., No., U.D.D., No. MMC.2010-5-C.R.-6/UD-32, dated the 9th September 2011.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

93. Amended by Mah. 2 of 2012 (22-3-2012)1
94. Amended by Mah. 15 of 2012 (4-8-2012)
95. Amended by Mah. 17 of 2012 (4-8-2012)
96. Amended by Mah. 28 of 2012 (20-12-2012)
97. Amended by Mah. 31 of 20122 (8-10-2012)
98. Amended by Mah. 34 of 2014
99. Amended by Mah. 10 of 20153
100. Amended by Mah. 13 of 2015
101. Amended by Mah. 43 of 2015 (5-10-2015)4,5
102. Amended by Mah. 19 of 20166
103. Amended by Mah. 23 of 2016 (29-7-2016)
104. Amended by Mah. 38 of 2016 (21-12-2016)
105. Amended by Mah. 9 of 2017 (19-5-2016)7,8
106. Amended by Mah. 42 of 20179
107. Amended by Mah. 52 of 2017 (2-2-2017)1,2

1 This Act Came into force *vide* G.N., No. U.D.D., No. MMC.2009/72/C.R. 48/2009/UD-32, dated the 22nd March 2012.

2 Maharashtra Ordinance No. X of 2012 was repealed by Mah. 31 of 2012, s. 4.

3 Maharashtra Ordinance No. XVIII of 2014 was repealed by Mah. 10 of 2015, s. 5(*1*).

4 Maharashtra Ordinance No. XIX of 2015 was repealed by Mah. 43 of 2015, s. 6.

5 Section 5 of Mah. 43 of 2015 reads as follows :—

—5. Power to remove difficulties.— (*1*) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as such directions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.‖.

6 Came into force on 2nd January 2017 *vide*, G.N., No. U.D.D., No.SMA. 2015/CR-254/UD-34, dated 16th December 2016.

7 Maharashtra Ordinance No. XVI of 2016 was repealed by Mah. IX of 2017, s. 13.

8 Section 12 of Mah. 9 of 2017 reads as follows :—

—12. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act (LIX of 1949) or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as amended by this Act, the State inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.‖.

9 All sections except sections 13 to 31 of Mah. 42 of 2017 came into force *vide* G.N., F.D., No. MGST. 1017/CR-101 (*2*)/Taxation-1, dated 29th June 2017.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

108. Amended by Mah. 8 of 2018 (2-11-2017)3

109. Amended by Mah. 21 of 2018 (20-3-2018)

110. Amended by Mah. 25 of 2018 (25-1-2018)4

111. Amended by Mah. 53 of 2018 (10-8-2018)5

112. Amended by Mah. 65 of 2018 (27-9-2018)6,7

1 Maharashtra Ordinance No. VIII of 2017 was repealed by Mah. 52 of 2017, s. 5.

2 Section 6 of Mah. 52 of 2017 reads as follows :—

—6. Removal of doubt.— For the removal of doubt, it is hereby declared that all the provisions of the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as amended by the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Pachayats* and Industrial Townships (Amendment) Ordinance, 2017 (Mah. Ord. VI of 2017), shall with effect from 2nd February 2017, being the date of commencement of the said Ordinance, continue to be in force and be deemed to be continuously in force.‖.

3 Maharashtra Ordinance No. XXV of 2017 was repealed by Mah. 8 of 2018, s. 7.

4 Maharashtra Ordinance No. IV of 2018 was repealed by Mah. 25 of 2018, s. 17.

5 Section 5 of Mah. 53 of 2018 reads as follows :—

—5. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1888) or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the relevant Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order issued under sub-section (*1*) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.‖.

6 Maharashtra Ordinance No. XX of 2018 was repealed by Mah. 65 of 2018, s. 11.

7 Sections 8, 9 and 10 of Mah. 65 of 2018 reads as follows :—

—8. Saving as to certain elections.— Nothing in this Act shall affect the elections conducted by the State Election Commission for conducting the elections or any programme declared by it therefor, prior to the date of commencement of the Mumbai Municipal Corporation (III of 1888), the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018 (Mah. LXV of 2018), for filling up the resultant vacancy in view of the provisions of section 5B or sub-section (*2A*) of section 37 of the Mumbai Municipal Corporation Act, section 5B or sub-section (*1B*) of section 19 of the Maharashtra Municipal Corporations Act (LIX of 1949), section 9A or section 51-1B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as it stood prior to such date of commencement.

9. Saving as to certain disqualifications.— Any person, who has obtained the Caste Certificate and validity certificate but has not filed such certificate prior to the date of commencement of this Act, shall not be deemed to be disqualified under the provisions of the relevant Municipal law, if he submits such certificate within a period of fifteen days from the date of commencement of this Act:

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of commencement of this Act held elections to fill the vacancy of such person or declared the programme for holding of such election.

10. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) or, as the case may be, the

Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.‖.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

113. Amended by Mah. 75 of 2018 (17-12-2018)[1]

114. Amended by Mah. 7 of 2020 (27-01-2020)[2]

115. Amended by Mah. 12 of 2020 (04-02-2020)[3]

116. Amended by Mah. 33 of 2020 (27-10-2020)[4,5]

117. Amended by Mah. 1 of 2021 (29-10-2020)[6]

118. Amended by Mah. 6 of 2021

1 Section 4 of Mah. 75 of 2018 reads as follows :—

—4. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act (LIX of 1949) or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.‖.

2 Maharashtra Ordinance No. I of 2020 was repealed by Mah. 7 of 2020, s. 4.

3 Maharashtra Ordinance No. IV of 2020 was repealed by Mah. 12 of 2020, s. 14.

4 Maharashtra Ordinance No. XVI of 2020 was repealed by Mah. 33 of 2020, s. 7.

5 Section 6 of the Mah. XXXIII of 2020 reads as under :—

—6. Validation of additional stamp duty levied and collected.— (*1*) Notwithstanding anything contained in any judgment, decree or order of any court to the contrary, any assessment, review. Levy or collection of additional stamp duty or surcharge in respect of execution of instrument of sale, gift and usufructuary mortgage, or any action taken or thing done in relation to such assessment, review, levy or collection under the provisions of the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) (hereinafter referred to as ―the principal Municipal Corporation Acts‖), prior to the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2020 (Mah. XXXIII of 2020) (hereinafter in this section referred to as ―the Amendment Act‖), shall be deemed to be valid and effective as if such assessment, review, levy or collection or action or thing had been duly made, taken or done under the principal Municipal Corporations Acts, as amended by the Amendment Act, accordingly,—

(*a*) all acts, proceedings or things done or taken by any authority or by the State Government or by any officer of the State Government in connection with the assessment, review, levy or collection or action or thing in connection with the levy of such stamp duty or surcharge, for all purposes be deemed to be, and to have always been done or taken in accordance with the law;

(*b*) no suit, appeal, application or other proceedings shall lie or be maintained or continued in any Court or before any Tribunal, officer or other authority for the refund of such stamp duty or surcharge so paid; and

(*c*) no Court, Tribunal, officer or other authority shall enforce any decree or order directing the refund of such duty or surcharge.

(*2*) For the removal of doubt it is hereby declare that, nothing in sub-section (*1*) shall be construed as preventing a person,—

(*a*) from questioning in accordance with the provisions of the principal Municipal Corporations Acts, as amended by the Amendment Act, assessment, review, levy or collection of such stamp duty or surcharge, referred to in sub-section (*1*); or

(*b*) from claiming refund of any additional stamp duty or surcharge paid by him in excess of the amount due from him by way of stamp duty under the principal Municipal Corporations Acts as amended by the Amendment Act.

(*3*) Nothing in the principal Municipal Corporations Acts, as amended by the Amendment Act, shall render any person liable to be convicted of any offence in respect of anything done or omitted to be done by him, before the date of commencement of the Amendment Act, if such act or omission was not an offence under the principal Municipal Corporations Acts on the relevant date, but for such amendment made by the Amendment Act; nor shall any person in

respect of such act or omission be subject to a penalty greater than that which could have been imposed on him under the law in force immediately before the date of commencement of the Amendment Act.

6 Maharashtra Ordinance No. XIX of 2020 was repealed by Mah. 1 of 2021, s. 4.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

119. Amended by Mah. 10 of 2022 (01-10-2021)[1]

120. Amended by Mah. 12 of 2022 (02-11-2021)[2]

121. Amended by Mah. 13 of 2022 (06-12-2021)[3]

122. Amended by Mah. 20 of 2022 (01-10-2021)[4]

123. Amended by Mah. 21 of 2022[5]

124. Amended by Mah. 41 of 2022 (14-07-2022)[6,7]

125. Amended by Mah. 2 of 2025 (16-08-2024)[8,9]

1 Maharashtra Ordinance No. V of 2021 was repealed by Mah. 10 of 2021, s. 3.

2 Maharashtra Ordinance No. X of 2021 was repealed by Mah. 12 of 2022, s. 4.

3 Maharashtra Ordinance No. XV of 2021 was repealed by Mah. 13 of 2022, s. 8.

4 Maharashtra Ordinance No. VI of 2021 was repealed by Mah. 20 of 2022, s. 5.

5 Section 5 of the Mah. XXI of 2022 reads as under :—

—5. Annulment of process to divide are of Municipal Corporations, Municipal Councils and *Nagar Panchayats* in wards.— Notwithstanding anything contained in the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Township Act, 1965 (Mah. XL of 1965)(hereinafter referred to as ―the said Acts‖) and the rules made thereunder, where the process to divide the area of Municipal Corporation, Municipal Councils and *Nagar Panchayats* into wards and to specify the boundaries thereof is started or completed by the State Election Commissioner, before the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Corporations, Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Township (Amendment) Act, 2022 (Mah. XXI of 2022), shall be deemed to be annulled and the process to divide the area of Municipal Corporations, Municipal Councils and *Nagar Panchayats* into wards and to specify the boundaries thereof, shall be done afresh according to the provisions of the said Acts as amended by this Act.‖.

6 Maharashtra Ordinance No. IV of 2022 was repealed by Mah. 41 of 2022.

7 Section 10 of the Mah. XLI of 2022 reads as under :—

—10. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the principal Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the principal Act, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of the commencement of the Act.

(*2*) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

8 Maharashtra Ordinance No. V of 2024 was repealed by Mah. 2 of 2025, s. 6.

9 Section 5 of the Mah. II of 2025 reads as under :—

—5. Power to remove difficulties.— (*1*) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the principal Act, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

MAHARASHTRA ACT No. XL OF 1965[1]

[THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.]

[This Act received the assent of the President on the 7th September 1965; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 10th day of September 1965.]

An Act to unify, consolidate and amend the law relating [2][to Municipal Councils and to provide for constitution of Nagar Panchayats and Industrial Townships in the State of Maharashtra.]

WHEREAS, it is expedient to provide for a unified pattern for the constitution, administration and powers of municipalities in the State of Maharashtra and to make better provision therefor;

AND WHEREAS, for those purposes the Government of Maharashtra had appointed a Committee to advise it on the matters aforesaid;

AND WHEREAS, after considering the Report of the said Committee, it is now expedient to unify, consolidate and amend the law relating to municipalities in the State; it is hereby enacted in the Sixteenth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (*1*) This Act may be called the Maharashtra [3][Municipal Councils], [4][*Nagar Panchayats* and Industrial Townships] Act, 1965.

(*2*) It extends to the whole of the State of Maharashtra.

(*3*) This section shall come into force at once; and the remaining provisions of this Act shall come into force in such area and on such date [5][as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions thereof and for different areas.]

2. Definitions.— In this Act, unless the context otherwise requires,—

(*1*) ―appointed day‖, in relation to an area means the date on which the relevant provisions of this Act come into force in that area;

[6][(*1A*) ―Backward Class of Citizen‖, means such classes or parts of or groups within such classes as are declared, from time to time by the State Government to be Other Backward Classes and *Vimukta Jatis* and Nomadic Tribes;]

(*2*) ―building‖, includes a house, out-house, stable, shed, hut and other enclosure or structure whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes *verandahs*, fixed platforms, platforms, plinths, door steps, walls (including compound wall) and fencing and the like;

[1][(*2A*) ―business‖, includes,—

1 For Statement of Objects and Reasons of the L. A. Bill No. X of 1965, *see Maharashtra Government Gazette*, 1965, Extraordinary No. 11, Part-V, dated the 26th March 1965, pages 214-222, for Report of the Joint Committee, *see ibid*., Part V, pages 395-580.

2 These words were substituted for the words ―to Municipalities in the State of Maharashtra‖ by Mah. 41 of 1994, s. 106. 3 These words were substituted for the word ―Municipalities‖ by Mah. 18 of 1993, s. 2.

4 These words were inserted by Mah. 41 of 1994, s. 107.

5 (*a*) 14th day of September, 1965 for sections 2, 4, 9 to 39, 74, 296 (*1*), (*2*), (*3*), (*4*), 299, 321, 342 (*1*), (*2*), (*3*), (*4*), (*5*), (*14*), 345, 351 and Sch. 1 *vide* G.N., U.D. and P.H.D., No. UMA. 1365/1 Uni-11, dated 14th September 1965.
(*b*) 27th day of October, 1965 for section 318 *vide* G.N., U.D. and P.H.D., No. UMA. 1365/Uni-11, dated 27th October 1965.
(*c*) 15th day of June, 1966 for the remaining provisions of the Act other than those which have already come into force and other than sub-section (*5*), (*6*) and (*7*) of section 75, *vide* G.N., U.D., P. H. and H.D., No. UMA. 1366(*c*) Unification-IV, dated 2nd June, 1966.

6 Clause (*1A*) was inserted by Mah. 41 of 1994, s. 108(*1*).

(*a*) any trade, commerce, profession, consumption or manufacture or any venture or concern in the nature of trade, commerce, profession, consumption or manufacture, whether or not such trade, commerce, profession, consumption, manufacture, venture or concern is carried on with a motive to

make gain or profit and whether or not any gain or profit accrues from such trade, commerce, profession, consumption, manufacture, venture or concern and whether or not there is any volume, frequency, continuity or regularity in such trade, commerce, profession, consumption, manufacture, venture or concern;

(*b*) any transaction in connection with, or incidental or ancillary to, such trade, commerce, profession, consumption, manufacture, venture or concern whether or not such transaction is in respect of capital assets and whether or not it is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction, and whether or not there is any volume, frequency, continuity or regularity in such transaction;

(*c*) any occasional transaction in the nature of such trade, commerce, profession, consumption, manufacture, venture or concern involving import, purchase or sale of goods in the municipal area, whether or not there is any volume, frequency, continuity or regularity to such transaction and whether or not such transaction is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction;

(*d*) any transaction in connection with, or incidental or ancillary to, the commencement or closure of such trade, commerce, profession, consumption, manufacture, venture or concern, whether or not such transaction is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such transaction.

Explanation.— For the purposes of this clause, the activities of raising of man-made forests or rearing of seedlings of plants shall be deemed to be a business;]

(*3*) ―by-law‖ means a by-law made or deemed to be made by the Council under this Act;

[2][* * * *Deleted*]

(*4*) ―Cesspool‖ includes a settlement tank or other tank for the reception or disposal of foul matter from building;

(*5*) ―Chief Officer‖ means the person appointed or deemed to be appointed under this Act to be the Chief Officer of a municipal area;

[3][(*6*) ―Council‖ means a municipal council constituted or deemed to have been constituted for a smaller urban area specified in a notification issued in this respect under clause (*2*) of article 243-Q of the Constitution of India or under sub-section (*2*) of section 3 of this Act;]

[4][(*7*) ―Councillor‖ means a person duly elected as a member of the Council, [5][the directly elected President] [6][* * * *] and includes the nominated Councillor, who shall not have the right,—

(*i*) to vote at any meeting of the Council and Committees of the Council; and

[7][(*ii*) to get elected as [8][a President of the Council in accordance with sections 51A-1B under section 51 or] a Chairperson of any of the Committees of the Council;]

(*8*) ―dairy‖ includes any farm, cattle-shed, cow-house, milk-store, milk-shop or other place from which milk is supplied for sale or in which milk is kept for purposes of sale or manufactured into butter, ghee, cheese, curds or dried, sterilized or condensed or toned milk, but does not include,—

1 Clause (*2A*) was inserted by Mah. 32 of 2003, s. 2(*a*).

2 Clause (*3A*) was deleted by Mah. 42 of 2017, s. 49.

3 Clause (*6*) was substituted by Mah. 41 of 1994, s. 108(*2*).

4 Clause (*7*) was substituted for the original by Mah. 41 of 1994, s. 108(*3*).

5 These words were inserted by Mah. 9 of 2017, s. 3(*a*)(*i*).

6 The words ―the directly elected president‖ were deleted by Mah. 31 of 2006, s. 2(*a*)(*i*). 7 Sub-clause (*ii*) was substituted by Mah. 31 of 2006, s. 2(*a*)(*ii*).

8 These words were inserted by Mah. 12 of 2020, s. 2.

(*A*) a shop or other place in which milk is sold for consumption on the premises only, or

(*B*) a shop or other place from which milk is sold or supplied in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or other place;

[1][(*8A*) ―dealer‖ means any person who whether for commission, remuneration or otherwise imports, buys or sells any goods in the municipal area for the purpose of his business or in connection with or incidental to his business, and includes,—

(*a*) a factor, broker, commission agent, *del credere* agent or any other mercantile agent, by whatever name called, and whether or not of the same description as hereinbefore specified, who buys, sells, supplies, distributes or imports any goods in the municipal area, belonging to any principal or principals whether disclosed or not;

(*b*) an auctioneer, who sells or auctions goods in the municipal area, belonging to any principal whether disclosed or not and whether the offer of the intending purchaser is accepted by him or by the principal or a nominee of the principal;

(*c*) the Central Government or any State Government which (whether or not while carrying on business) buys, sells, supplies, distributes or imports goods directly or otherwise;

(*d*) a society, club or other association of persons (whether incorporated or not) which, whether while carrying on business or not, imports, buys, sells, supplies, or distributes goods whether for or on behalf of its members or not, for cash or for deferred payment or, for commission, remuneration or otherwise.

Explanation.— For the purposes of this clause,—

(*A*) a manager or agent of a non-resident dealer residing in the municipal area who imports, buys, sells, supplies or distributes goods in the municipal area, or acts on behalf of such dealer as,—

(*a*) a mercantile agent as defined in the Sale of Goods Act, 1930 (3 of 1930), or

(*b*) an agent for handling of goods or documents of title relating to goods, or

(*c*) an agent for the collection or the payment for the sale price of goods,

shall be deemed to be a dealer or as a guarantor for such collection or payment; and

(*B*) each of the following persons and bodies who disposes of any goods including goods as unclaimed or confiscated or as unserviceable or as scrap, surplus, old, obsolete or discarded material or waste products whether by auction or otherwise, directly or through an agent for cash, or for deferred payment, or for any other valuable consideration, shall, notwithstanding anything contained in clause (*8A*) or any other provisions of this Act, be deemed to be a dealer, namely :—

(*a*) Port Trusts;

(*b*) Municipal Corporations, Municipals Councils, *Zilla Parishads* and other local authorities;

(*c*) Railway administration as defined under the Indian Railways Act, 1890 (9 of 1890);

(*d*) Shipping, transport and construction companies;

(*e*) Air transport, companies and Airlines;

(*f*) Transporters, holding permit for transport vehicles granted under the Motor Vehicles Act, 1988 (5 of 1988), which are used or adapted to be used for hire or reward;

(*g*) Maharashtra State Road Transport Corporation constituted under the Road Transport Corporations Act, 1950 (64 of 1950);

1 Clause (*8A*) was inserted by Mah. 32 of 2003, s. 2(*c*).

(*h*) Customs Department of the Government of India administering the Customs Act, 1962 (52 of 1962);

(*i*) Insurance and Financial Corporations, or Companies, and Banking Companies;

(*j*) Advertising agencies;

(*k*) any other Corporation, Company, Body or Authority owned or set-up by, or subject to administrative control of, the Central Government or any State Government.

Exception.— (*i*) Any individual who imports goods for his exclusive consumption or use and a Department of State or Central Government not engaged in business shall not be a dealer.

(*ii*) An agriculturist who sells exclusively agricultural produce grown on the land cultivated by him personally, shall not be deemed to be a dealer within the meaning of this clause;]

(*9*) ―Director‖ means the person appointed by the State Government to be the Director of Municipal Administration under this Act;

[1][(*9A*) ―District Administration Officer (DAO)‖ means the officer appointed as a District Administration Officer by the Government, for the purposes of this Act;]

(*10*) ―drain‖ includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern flush tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any electors, compressed air main, sealed sewage mains and special machinery and apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

[2][(*10A*) ―dry latrine‖ means a latrine in which human excreta are collected in a receptacle and then removed by human agency;]

(*11*) ―eating house‖ means any premises to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises;

[3][(*12*) ―election‖ means an election to a Council, or to the office of the President, as the case may be, and includes any by-election;]

(*13*) ―factory‖ means a factory as defined in the Factories Act, 1948 (LXII of 1948);

(*14*) ―Filth‖ includes sewage, night-soil and all offensive matter;

[4][(*14A*) ―Finance Commission‖ means the Finance Commission constituted in accordance with the provisions of article 243-I of the Constitution of India;]

(*15*) ―food‖ includes every article used for food or drink for human consumption other than drugs or water, and any article which ordinarily enter into or is used in the composition or preparation of human food, and also includes confectionery, flavouring, and colouring matters and spices and condiments;

(*16*) ―goods‖ includes animals;

(*17*) ―House-drain‖ means any drain of and used for the drainage of, one or more buildings or premises and made merely for the purpose of communicating therefrom with a municipal drain;

(*18*) ―house-gully‖ or ―service passage‖ means a passage or strip of lands constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to servant of the Council or to persons employed in the cleaning thereof or in the removal of such matter therefrom;

1 Clause (*9A*) was inserted by Mah. 25 of 2018, s. 2(*a*).

2 Clause (*10A*) was inserted by Mah. 45 of 1975, s. 2(*a*).

3 Clause (*12*) was substituted by Mah. 9 of 2017, s. 3(*b*).

4 Clause (*14A*) was inserted by Mah. 41 of 1994, s. 108(*4*).

[1][(*18-A1*) ―importer‖ means a person who brings or causes to be brought any goods into the limits of the municipal area for use, consumption or sale therein;]

[2][(*18A*) ―Industrial Township‖ means such urban area or part thereof as the State Government may, having regard to the factors mentioned in the proviso to clause (*1*) of article 243-Q of the Constitution of India, by notification in the *Official Gazette*, specify to be an Industrial Townships under section 341-F;]

(*19*) ―land‖ includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by Legislative enactment over any streets;

(*20*) ―local authority‖ means a Council or a Municipal Corporation constituted under the [3]Bombay Municipal Corporation Act (Bom. III of 1888), or the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), or the City of Nagpur Corporation Act, 1948 (C. P. Berar II of 1950), or Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), or a Village Panchayat constituted under the [4]Bombay Village Panchayats Act, 1958 (Bom. III of 1959).

[5][(*20A*) ―local newspaper‖ means any printed periodical work containing public news or comment on public news having wide circulation in the area of the relevant Municipal Council (Berar II of 1950);]

(*21*) ―lodging house‖ means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration, and includes a lodging house for pilgrims whether lodging is provided for or without any monetary consideration;

(*22*) ―market‖ includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, live-stock or food for live-stock or meat, fish, fruit, vegetable, animals intended for human food, or [6][any other articles intended for use or consumption by or for human being or animals] whatsoever without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other persons;

[7][(*22A*) ―Meeting Superintendent‖ means the officer or the person designated as a Meeting Superintendent by the Chief Officer for the purpose of maintaining proceedings of the Council and Committees and responsible for receiving the proposals as per section 83A;]

(*23*) ―milk‖ includes cream, skimmed milk, separated milk and condensed, sterilized, desiccated or toned milk;

[8][(*24*) ―municipal area‖ means the territorial area of a Council or a *Nagar Panchayat*;]

(*25*) ―municipal market‖ or ―municipal slaughter-house‖ means a market or a slaughter-house, as the case may be, which belongs to or is maintained by the Council;

[9][(*25A*) ―*Nagar Panchayat*‖ means a *Nagar Panchayat* constituted for a transitional area notified under section 341A of this Act;]

(*26*) ―nuisance‖ includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

1 Clause (*18-A1*) was inserted by Mah. 32 of 2003, s. 2(*d*).

2 Clause (*18A*) was inserted by Mah. 41 of 1994, s. 108(*5*).

3 *See* now the Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporation Act. 4 *See* now the Maharashtra Village Panchayats Act.

5 This clause was inserted by Mah. 18 of 1993, s. 3(*a*).

6 These words were substituted for the words ―any other articles of human food‖ by Mah. 18 of 1993, s. 3(*b*). 7 Clause (*22A*) was inserted by Mah. 25 of 2018, s. 2(*b*).

8 Clause (*24*) was substituted by Mah. 41 of 1994, s. 108(*6*).

9 Clause (*25A*) was inserted by Mah. 41 of 1994, s. 108(*7*).

(*27*) ―occupier‖ includes—

(*a*) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable,

(*b*) an owner living in or otherwise using his land or building,

(*c*) a rent-free tenant,

(*d*) a licensee in occupation of any land or building, and

(*e*) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(*28*) [1][* * * *]

(*29*) ―offensive matter‖ includes animal carcasses, dung, dirt and putrid or putrefying substances other than sewage;

(*30*) ―officer or servant of the Council‖ means an officer or servant appointed by the Council or any other Competent Authority subordinate to it, and includes any Government Officer or servant who is for the time being serving under the Council;

(*31*) ―official year‖ or ―financial year‖ means the year commencing on the first day of April;

(*32*) ―owner‖ means—

(*a*) when used with reference to any premises, the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes,—

(*i*) an agent or trustee who receives such rent on account of the owner;

(*ii*) an agent or trustee who receives the rent of, or is entrusted with or concerned for, any premises devoted to religious or charitable purposes;

(*iii*) a receiver, sequestration or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises; and

(*iv*) a mortgagee-in-possession; and

(*b*) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or boat;

(*33*) ―population‖ means the population as ascertained at the last preceding census [2][of which the relevant figures [3][* *] have been published;]

[4][*Explanation.*— For the purposes of this clause, the expression ―published‖ means the latest published relevant census figures; whether provisional or final, and in the absence of the latest relevant census figures, the relevant figures of the census immediately preceding the latest census, final figures of which have been published;]

(*34*) ―premises‖ includes messuages, buildings and lands of any tenure whether open or enclosed, whether built on or not and whether public or private;

(*35*) ―prescribed‖ means prescribed by rules;

(*36*) ―President‖ and ―Vice-President‖ means the President and Vice-President of the Council;

1 This clause was deleted by Mah. 31 of 1999, s. 2.

2 These words were substituted for the words ―of which the relevant figures have been published‖ by Mah. 12 of 1972, s. 4.

3 These words ―whether provisional or final‖ were deleted by Mah. 41 of 1994, s. 108(*8*).

4 This *Explanation* was added by Mah. 8 of 2002, s. 11(*c*), *w.e.f.*, 7th September 2001.

(*37*) (*a*) ―Private market‖ means a market which is not a municipal market, but does not include a market established for the purposes of any law for time being in force regulating the marketing of agricultural and other produce in such markets;

(*b*) ―Private slaughter-house‖ means a slaughter-house which is not a municipal slaughter-house;

(*38*) ―private street‖ means a street which is not a public street;

(*39*) ―privy‖ means a place set apart for defecating or urinating or both together with the structure comprising such place, the receptacle therein for human excreta and fittings and apparatus, if any, connected therewith, and includes a closet of the dry type, an aqua privy, a latrine and a urinal;

(*40*) ―public place‖ includes any public part or garden or any ground to which the public have or a permitted to have access;

(*41*) ―public securities‖ means,―

(*a*) securities of the Central Government and of any State Government;

(*b*) securities, stocks, debentures or shares the interest whereon has been guaranteed by the Central or the State Government;

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by any enactment for the time being inforce in any part of the territory of India; or

(*d*) securities expressly authorised by any order which the State Government makes in this behalf;

(*42*) ―public street‖ means any street,―

(*a*) over which the public have a right of way;

(*b*) heretofore levelled, paved, metalled, channelled, sewered, or repaired out of municipal or other public funds; or

(*c*) which under the provisions of this Act becomes, or is declared, a public street;

1[(*42A*) ―registered dealer‖ means a dealer registered under section 148F;]

(*43*) ―rubbish‖ includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter of sewage;

(*44*) ―rules‖ means rules made by the State Government under this Act;

2[(*44A*) ―sanitary staff‖ means the staff actually employed for a sweeping or cleansing streets or for carrying away refuse or for cleansing latrines, sewers, drains or public places;]

(*45*) ―Scheduled Castes‖ means such castes, races or tribes or parts of, or groups within such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Maharashtra under Article 341 of the Constitution of India;

(*46*) ―Scheduled Tribes‖ means such tribes, or tribal communities or parts of, or groups within such tribes, or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under Article 342 of the Constitution of India;

(*47*) ―sewage‖ means night-soil and other contents of water closets, latrines, privies, urinals, cesspools or drains and polluted water from sinks, bath-room, stables, cattle-sheds and other like places and includes trade effluent and discharges from manufactories of all kinds;

1 Clause (*42A*) was inserted by Mah. 32 of 2003, s. 2(*e*).

2 Clause (*44A*) was inserted by Mah. 45 of 1975, s. 2(*b*).

1[(*47A*) ―a smaller urban area‖ or ―a transitional area‖ shall mean an area specified as ―a smaller urban area‖ or ―a transitional area‖ as the case may be, by a notification issued under clause (*2*) of article 243-Q of the Constitution of India or under this Act;

(*47B*) ―State Election Commission‖ means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the provisions of clause (*1*) of article 243-K of the Constitution of India;]

(*48*) ―street‖ means any road, foot-way, square, court-alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant

space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons as occupiers of such buildings or not; but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

(*49*) ―total number of Councillors‖ in relation to a Council, means the total number of the elected [2][Councillors] of that council;

[3][(*49A*) ―turnover of purchases‖ means the aggregate of the amount of purchase price paid and payable by a dealer or a person in respect of any purchase of goods made by him during a given period, after deducting the amount of purchase price, if any, refunded to the dealer or the person by the seller in respect of any goods purchased from the seller and returned to him within a period of six months;

(*49B*) ―turnover of sales‖ means the aggregate of the amount of sale price received and receivable by a dealer or a person in respect of any sale of goods made during a given period after deducting the amount of sale price, if any, refunded by him to a purchaser, in respect of any goods purchased and returned by the purchaser to him within a period of six months and where the registration certificate is cancelled, the amount, in respect of sales made before the date on which the cancellation became effective, received or receivable after such date;]

(*50*) ―vehicle‖ includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, motor-car and every wheeled conveyance which is used or is capable of being used on a street;

[4][(*50A*) ―Wards Committee‖ means the Wards Committee constituted under section 66-A of this Act;]

(*51*) ―water closet‖ means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

(*52*) ―water-connection‖ includes,―

(*a*) any tank, cistern, hydrant, stand-pipe, meter or tap situated on a private property and connected with a water-main or pipe belonging to the Council; and

(*b*) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe;

(*53*) ―water-work‖ includes a lake, stream, spring, well, pump, reservoir, cistern tank, duct, whether covered or open, sluice, main-pipe, culvert, engine, water-truck, hydrant, stand-pipe, conduit, and machinery, land, building, or thing for supplying or used for supplying water or for protecting sources of water supply;

[5][(*54*) ―wet latrine‖ means a latrine in which human excreta are removed by water into a septic tank or municipal underground drainage and are not required to be removed by human agency.]

1 Clauses (*47A*) and (*47B*) were inserted by Mah. 41 of 1994, s. 108(*10*).

2 These words were substituted for the words ―and the co-opted and nominated Councillors, if any‖ by Mah. 41 of 1994, s. 108(*10*).

3 Clauses (*49A*) and (*49B*) were inserted by Mah. 32 of 2003, s. 2(*f*).

4 Clause (*50A*) was inserted by Mah. 41 of 1994, s. 108(*11*).

5 Clause (*54*) was added by Mah. 45 of 1995, s. 2(*c*).

CHAPTER II

MUNICIPAL COUNCILS

(1) *Municipal areas and their classification*.

3.[1][Specification of areas as smaller urban areas].― [2][(*1*) A Council for every municipal area existing on the date of coming into force of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 1994 (Mah. XLI of 1994) specified as a smaller urban area in a notification

issued under clause (*2*) of article 243-Q of the Constitution of India in respect thereof, shall be deemed to be a duly constituted Municipal Council known by the name ..... Municipal Council.

(*2*) Save as provided in sub-section (*1*), the State Government may, having regard to the factors mentioned in clause (*2*) of article 243-Q of the Constitution of India, specify, by notification in the *Official Gazette*, any local area as a smaller urban area:

Provided that, no such area shall be so specified as a smaller urban area unless the State Government, after making such inquiry as it may deem fit, is satisfied that,—

(*a*) the population of such area is not less than 25,000; and

(*b*) the percentage of employment in non-agricultural activities in such area is not less than thirty-five per cent.

(*2A*) For every smaller urban area so specified by the State Government under sub-section (*2*), there shall be constituted a Municipal Council known by the name ..... Municipal Council.]

(*3*) Before the publication of a notification under[3][sub-section (*2*)], the State Government shall cause to be published in the *Official Gazette*, and also in at least one newspaper circulating in the area to be specified in the notification, a proclamation announcing the intention of Government to issue such notification, and inviting all persons who entertain any objection to the said proposal to submit the same in writing with the reasons therefor, to the Collector of the District, within [4][not less than thirty days] from the date of the publication of the proclamation in the *Official Gazette*.

Copies of the proclamation in Marathi shall also be posted in conspicuous places in the area proposed to be declared as a municipal area.

(*4*) The Collector shall, with all reasonable dispatch, forward any objection so submitted to the State Government.

(*5*) No such notification as aforesaid shall be issued by the State Government unless the objections, if any, so submitted are in its opinion insufficient or invalid.

4.Classification of [5][smaller urban areas].— [6][(*1*) Every smaller urban area shall be classified classified by the State Government as ‗A' Class, ‗B' Class or ‗C' Class, on the basis of population thereof as specified below :—

A smaller urban area,—

(*a*) with a population of more than 1,00,000 shall be ‗A' Class smaller urban area;

(*b*) with a population of more than 40,000 but not more than 1,00,000 shall be ‗B' Class smaller urban area; and

(*c*) with a population of 40,000 or less, shall be ‗C' Class smaller urban area.

(*2*) Notwithstanding anything contained in sub-section (*1*), for the purposes of this Act, the classification as shown in Schedule I to this Act of the municipal areas or councils existing on the day of coming into force of the Maharashtra Municipal Corporations and Municipal Councils

1 The marginal note was substituted by Mah. 41 of 1994, s. 109(*c*).

2 Sub-sections (*1*), (*2*) and (*2A*) were substituted by Mah. 41 of 1994, s. 109(*a*).

3 These words were substituted by Mah. 41 of 1994, s. 109(*b*).

4 These words were substituted for the words ―two months‖ by Mah. 8 of 2002, s. 12, *w.e.f.*, 16th October 2001.

5 These words were substituted for the words ―municipal areas‖ by Mah. 41 of 1994, s. 110(*c*).

6 Sub-sections (*1*) and (*2*) were substituted by Mah. 41 of 1994, s. 110(*a*).

(Amendment) Act, 1994 (Mah. XLI of 1994), specified as the smaller urban areas in the notification issued under clause (*2*) of article 243-Q of the Constitution of India, shall not be affected, unless such classification is duly revised by the State Government under sub-section (*5*).]

[1][* * * *]

[2][(*4*) Every area specified to be a smaller urban area after the coming into force of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 1994 (Mah. XLI of 1994) shall likewise be classified by the State Government and for that purpose, the State Government shall, from time to time by notification in the *Official Gazette*, amend Schedule I.]

(*5*) The State Government shall review the classification made under this section after each census or when the limits of any municipal area are altered by addition or exclusion of any local area or when any area ceases to be municipal area, and shall, where necessary, amend Schedule I accordingly.

5. Effect of re-classification of a municipal area.— Whenever the classification of a municipal area is changed under section 4, all the relevant provisions of this Act applicable to the class of the municipal area into which the said area is re-classified, shall, with effect from the date of such re-classification, apply to the said re-classified municipal area:

Provided that, such re-classification shall not affect the constitution of the Council as constituted immediately before such re-classification and every order issued under sub-section (*1*) of section 10 by reason of such re-classification shall take effect for the purposes of the next general election immediately following after the date of such order.

6. Alteration of the limits of a municipal area.— (*1*) [3][Subject to the provisions of sub-section (*2*) of section 3, the State] Government may by notification in the *Official Gazette*,—

(*a*) alter the limits of a municipal area so as to include therein or to exclude therefrom such local area as may be specified in the notification;

(*b*) amalgamate two or more municipal areas so to form one municipal area;

(*c*) split up any municipal area into two or more municipal areas;

(*d*) declare that the whole of any local area comprising a municipal area shall cease to be a municipal area:

Provided that, no such notification shall be issued by the State Government under any of the clauses of this sub-section without consulting the Municipal Council or Councils and other local authorities concerned.

(*2*) Prior to the publication of a notification under sub-section (*1*), the procedure prescribed in sub-sections (*3*), (*4*) and (*5*) of section 3 shall *mutatis mutandis* be followed.

(2) *Municipal Authorities and establishment of Councils*.

7.Municipal authorities charged with execution of the Act.— The municipal authorities charged with carrying out the provisions of this Act for each municipal area are—

(*a*) the Council;

(*b*) the President;

(*c*) the Standing Committee;

(*d*) the Subjects Committees, if any; [4][* *]

[5][(*dd*) the Wards Committee where constituted; and]

(*e*) the Chief Officer.

1 Sub-section (*3*) was deleted by Mah. 8 of 1976, s. 2.

2 Sub-section (*4*) was substituted by Mah. 41 of 1994, s. 110(*b*).

3 These words, brackets and figures were substituted for the words ―The State‖ by Mah. 41 of 1994, s. 111. 4 The word ―and‖ was deleted by Mah. 41 of 1994, s. 112(*a*).

5 Clause (*dd*) was inserted by Mah. 41 of 1994, s. 112(*b*).

8. Establishment and incorporation of Councils.—[1][A Municipal Council constituted or deemed to be constituted for every smaller urban area under section 3 shall be a body corporate] by the name of ―The ..... Municipal Council‖ and shall have perpetual succession and a common seal, and shall

have power to acquire, hold and dispose of property, and to enter into contracts and may by the said name sue, or be sued through its Chief Officer.

9. Composition of Councils.—[2][(*1*) Every Council shall consist of—

(*a*) [3][The president and the Councillors] elected at ward elections, by direct elections; and

(*b*) such number of Councillors, not exceeding ten per cent. of the total number of elected Councillors or five, whichever is less, having special knowledge or experience in municipal administration, to be nominated by the [4][Collector] in such manner as may be prescribed:

[5][Provided that, in case of the Municipal Council where the President is directly elected under section 51A-1A, the President so elected shall nominate the Councillors under clause (*b*).]

(*1A*) In every Council seats shall be reserved for the Scheduled Castes, the Scheduled Tribes, Backward Class of Citizens and women as provided in sub-section (*2*).]

[6][(*a*) the number of elected Councillors in accordance with the following table :—

[7][**TABLE**

Class of Municipal Area	Number of Elected Councillors
(*1*)	(*2*)
(*i*) ‗A' Class	The minimum number of elected Councillors shall be 40, and for every 8,000 of the population above 1,00,000, there shall be one additional elected Councillor, so however that, the total number of elected Councillors shall not exceed 75;
(*ii*) ‗B' Class	The minimum number of elected Councillors shall be 25, and for every 5,000 of the population above 40,000 there shall be one additional elected Councillor, so however that, the total number of elected Councillors shall not exceed 37;
(*iii*) ‗C' Class	The minimum number of elected Councillors shall be 20, and for every 3,000 of the population above 25,000 there shall be one additional elected Councillor, so however that, the total number of elected Councillors shall not exceed 25.]

[8][(*b*) the number of seats to be reserved for women in the case of municipal area of each class of councils on the basis of [9][one-half] (including the number of seats reserved for women belonging to the Scheduled Castes, [10][the Scheduled Tribes and the [11][Backward Class of

1 These words were substituted by Mah. 41 of 1994, s. 113.
2 These sub-sections were substituted by Mah. 41 of 1994, s. 114(*1*)(*a*).
3 These words were substituted for the word ―Councillors‖ by Mah. 9 of 2017, s. 4.
4 This word was substituted for the word ―Council‖ by Mah. 7 of 2009, s. 13.
5 This proviso was added by Mah. 38 of 2016, s. 2.
6 Clause (*a*) was substituted by Mah. 41 of 1994, s. 114(*b*)(*i*).
7 This ―TABLE‖ was substituted by Mah. 12 of 2022, s. 3.
8 Clause (*b*) was substituted by Mah. 13 of 1990, s. 6(*b*)(*i*).
9 These words were substituted for the words ―one-third‖ by Mah. 20 of 2011, s. 5(*1*).
10 These words were substituted for the words ―and the Scheduled Tribes‖ by Mah. 15 of 1994, s. 5(*2*)(*a*)(*i*).
11 These words were substituted for the words ―is other Backward Classes‖ by Mah. 11 of 1996, s. 3(*1*) with effect from 31st May 1994.

Citizens] of the total number of seats to be filled in by direct election for the purpose of any general election held after the commencement of [1][the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 1993 (Mah. XV of 1994).]]

(*c*) the number of seats, if any, to be reserved for the Scheduled Castes or the Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes, in the municipal area bears to the total population of that area.

[2][A fraction of such proportion if less than one-half shall be ignored and if one-half or more shall be reckoned as one in determining the number of seats:]

[3][Provided that, while making such reservation [4][one-half] of the total number of seats so reserved reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes; and where only [5][one seat is reserved for the Scheduled Castes or, as the case may be, for the Scheduled Tribes, then no seat shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes [6][* * *]]].

[7][(*d*) the seats to be reserved for the persons belonging to the category of Backward Class of of citizens shall be upto 27 per cent. of the total number of seats to be filled in by direct election in a Municipal Council and the total reservation shall not be more than 50 per cent. of the total seats in the Municipal Council:

Provided that, one-half of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens.]

[8][* * * * * * * *]

(*3*) The reservation of seats for Scheduled Castes and Scheduled Tribes made by an order under sub-section (*2*) shall cease to have effect when the reservation of seats for those Castes and Tribes in the Legislative Assembly of the State ceases to have effect under the Constitution of India:

Provided that, nothing in this sub-section shall render any person elected to any such reserved seat ineligible to continue as a Councillor during the term of office for which he was duly elected by reason only of the fact that the reservation of seats has so ceased to have effect.

(*4*) Every order under sub-section (*2*) shall take effect for the purposes of the next general election of the Council immediately following after the date of the order.

[9]**[9A. Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.—** Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, along with the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification) of Caste Certificate Act, 2000 (Mah. XXIII of 2001)].

[10][* * * * * * * * *]

1 These words were substituted by Mah. 15 of 1994, s. 5(*2*)(*a*)(*ii*).

2 This portion was added by Mah. 4 of 1974, s. 4(*b*)(*ii*).

3 This proviso was added by Mah. 13 of 1990, s. 5(*b*)(*ii*).

4 These words were substituted for the word ―one-third‖ by Mah. 20 of 2011, s. 5(*2*)(*a*).

5 These words were inserted by Mah. 11 of 1994, s. 114(*b*)(*iii*)(*B*).

6 The words ―and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes or, as the case may be, to the Scheduled Tribes‖ were deleted by Mah. 20 of 2011, s. 5(*2*)(*b*).

7 Clause (*d*) was substituted by Mah. 20 of 2022, s. 4.

8 *Explanation* was deleted by Mah. 12 of 1997, s. 11.

9 Section 9A was inserted by Mah. 35 of 2006, s. 8.

10 These provisos were added by Mah. 49 of 2006, s. 5 and were deleted by Mah. 13 of 2008, s. 5.

[1][Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period [2][commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2021 (Mah. XIII of 2022) and ending on the 31st December 2022, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the

date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, along with the nomination paper,—

(*i*) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(*ii*) an undertaking that, he shall submit, within a period of [3][twelve months] from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:]

Provided further that, if the person fails to produce the Validity Certificate within a period of [4][twelve months] from the date on which he is declared elected, his election shall be deemed to to have been terminated retrospectively and he shall be disqualified for being a Councillor:]

[5][Provided also that, in respect of the undertaking filed by any person under clause (*ii*) of the the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018 (Mah. LXV of 2018), the period of ―six months‖ specified in such undertaking shall be deemed to have been substituted as ―twelve months‖.]

(3) *Election and publication of names of elected,* [6][* *] *and nominated Councillors.*

10. Division of municipal area into wards and reservation of wards for women, Scheduled Castes and Scheduled Tribes.—[7][(*1*) Subject to the provisions of section 9,—

(*a*) the State Government shall with the approval of the State Election Commissioner, from time to time, by an order published in the *Official Gazette*,fix for each municipal area, the number and the extent of the wards into which such area shall be divided:

Provided that, before the publication of any such order, the State Government with the approval of the State Election Commissioner shall cause to be placed on the notice board, in the municipal office and in such other places in the municipal area as it thinks fit, a draft of the order proposed to be made by it, for the information of all residents of the municipal area and shall cause a notice to be published in atleast one newspaper circulating in the area announcing its intention to publish such order and inviting all persons who entertain any objections to the draft order aforesaid to submit the same to it in writing, with reason therefor, within seven days from the date of publication of the notice in the newspaper;

(*b*) the State Election Commissioner shall, by an order published in the *Official Gazette*, specify the wards in which seats are reserved for the Scheduled Castes, the Scheduled Tribes, the Backward Class of Citizens and Women (including the number of seats reserved for women

1 This proviso was substituted by Mah. 21 of 2018, s. 6.

2 These words, brackets, figures and letters were substituted for the words, brackets, figures and letters ―commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporation and Maharashtra Municipal Councils, *NagarPanchayats* and Industrial Townships (Amendment) Act, 2018 (Mah. XXI of 2018) and ending on the 30th June 2019‖ by Mah. 13 of 2022, s. 6.

3 These words were substituted for the words ―six months‖ by Mah. 65 of 2018, s. 6(*a*) and shall be deemed to have been substituted with effect from 7th April 2015.

4 These words were substituted for the words ―six months‖ by Mah. 65 of 2018, s. 6(*b*) and shall be deemed to have been substituted with effect from 7th April 2015.

5 This proviso was added by Mah. 65 of 2018, s. 6(*c*).

6 The word ―co-opted‖ was deleted by Mah. 41 of 1994, s. 115.

7 Sub-section (*1*) was substituted by Mah. 21 of 2022, s. 4.

belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Class of Citizens). The State Election Commissioner shall, while passing any such seats are reserved by rotation in different wards in the municipal area, so that all the wards shall get the benefit of such reservation:

Provided that, before the publication of any such order, the State Election Commissioner shall cause to be placed on the notice board in his office, in the municipal office and in such other places in the municipal area as he thinks fit, a draft of the order proposed to be made by him, for the information of all residents of the municipal area and shall cause a notice to be published in atleast one newspaper circulating in the area announcing his intention to publish such order and inviting all persons who entertain any objections to the draft order aforesaid to submit the same to him in writing, with reason therefor, within seven days from the date of publication of the notice in the newspaper.]

[1][* * * * * *]

[2][(*2*) Each of the wards shall elect only one Councillor.]

[3][Provided that, after the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2021 (Mah. X of 2022), in respect of the general elections to the Municipal Councils, each of the wards shall elect as far as possible two Councillors but not more than three Councillors, and each voter shall, notwithstanding anything contained in sub-section (*2*) of section 14, be entitled to cast the same number of votes, as the number of councillors to be elected in his ward.]

(*3*) Every order issued under sub-section (*1*) shall take effect for the purpose of the next general election immediately following the date of such order.

(*4*) Nothing in this section shall be deemed to prevent women or persons belonging to the Scheduled Castes, [4][Scheduled Tribes or [5][Backward Class of Citizens] for whom seats are reserved in in any Council] from standing for election and being elected to any of the seats which are not reserved.

[6][(*5*) Notwithstanding anything contained in sub-section (*1*) and (*3*) or any other provisions of this this Act, where a municipal area has been extended under clause (*a*) of sub-section (*1*) of section 6, after the General Elections, an election to provide for representation to the people of the extended area may be held as soon as practicable, and the provisions of sub-section (*1*) shall, *mutatis mutandis*, apply to such election:

Provided that, the total number of wards in the municipal area including the wards newly constituted for the extended area under this sub-section shall not exceed the number of electoral wards specified in the Table in clause (*a*) of sub-section (*2*) of section 9:

Provided further that, the population of the wards newly constituted under this sub-section may marginally exceed or be below the average population of the other wards:

Provided also that, the term of the Councillors elected from the wards newly constituted under this sub-section shall be co-terminus with the term of the Council.

(*6*) No elections under sub-section (*5*) shall be held if the remainder of the tenure of the Council is less than one year.]

[7]**[10A. State Election Commissioner.—** (*1*) The Superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipal Councils shall be vested in the State Election Commissioner.

1 The proviso added by Mah. 13 of 1990, s. 7(*b*) was deleted by Mah. 15 of 1994, s. 6(*1*)(*b*).

2 Sub-section (*2*) was substituted by Mah. 10 of 2015, s. 3.

3 This proviso was substituted by Mah. 10 of 2022, s. 2.

4 These words were substituted for the words ―and the Scheduled Tribes‖ by Mah. 15 of 1994, s. 6(*1*)(*a*), (*b*), (*c*) and 6(*2*). 5 These words were substituted for the words ―Other Backward Classes‖ by Mah. 12 of 1997, s. 4(*2*) *w.e.f.*, 31st May 1994. 6 These sub-sections were added by Mah. 11 of 2002, s. 42.

7 Section 10A was inserted by Mah. 41 of 1994, s. 117.

(*2*) The State Election Commissioner may, by order, delegate any of his powers and functions to any officer of the Commission, or any officer of the State Government not below the rank of Deputy Collector or the Chief Officer of a Council.

(*3*) All the officers and members of the staff appointed or deployed for preparation of electoral rolls and conduct of elections of Municipal Councils under this Act or the rules shall function under the superintendence, direction and control of the State Election Commissioner.

(*4*) Notwithstanding anything contained in this Act and the rules, the State Election Commissioner may issue such special or general orders or directions which may not be inconsistent with the provisions of this Act for fair and free elections.]

[1][**10AA. Power of State Election Commissioner to issue directions to prevent impersonation.—** The State Election Commissioner may with a view to prevent impersonation of electors at the time of election, issue such directions, as he thinks fit, to the presiding officers and such directions may include instructing the electors to produce, at the time of polling, the photo identity cards issued to them under the provisions of the Representation of the Peoples Act, 1951 (43 of 1951)].

[2][**11. Preparation of list of voters.—** The electoral roll of the Maharashtra Legislative Assembly prepared under the provisions of the Representation of the Peoples Act, 1950 (43 of 1951), for the time being in force, on such date as the State Election Commissioner may, by general or special order notify, shall be divided by the State Election Commissioner into different sections corresponding to different wards in the municipal area; and a printed copy of each section of the roll so divided and authenticated by the State Election Commissioner or an officer authorised by him, shall be the list of voters for each ward.]

11A. and 11B.[3][* * * *]

12. Right to Vote.— (*1*) Every person whose name is in [4][the list of voters] maintained under [5][section 11] shall be qualified to vote, and every person whose name is not in such list shall not be qualified to vote, at the election of a Councillor for the ward to which such list pertains.

(*2*) The list of voters maintained under [6][section 11] shall be conclusive evidence for the purpose of determining under this section whether a person is qualified or is not qualified to vote, as the case may be, at any election.

[7][**13. Manner of voting.—** The voting at an election shall be by ballot or by electronic voting machine, and no votes shall be received by proxy.]

14. Other restriction on voting.— (*1*) No person shall be entitled to vote at a general election in more than one ward, notwithstanding that his name may appear in the list of voters for more than one ward, and if a person votes in more than one ward his votes in all wards shall be void.

(*2*) No person shall be entitled to vote at any election in the same ward more than once, notwithstanding that his name may appear in the list of voters for that ward more than once, and if he does so vote all his votes in that ward shall be void.

15.[8][**Qualification for becoming Councillor].—**[9][(*1*) Every person [10][who is not less than twenty-one years of age on the last date fixed for making nominations for every general election or bye-election and] whose name is included in the list of voters maintained under section 11 and who is

1 Section 10AA was inserted by Mah. 44 of 1994, s. 7.

2 Section 11 was substituted by Mah. 11 of 1996, s. 9.

3 Sections 11A and 11B were deleted by Mah. 11 of 1996, s. 10.

4 These words were substituted for the words and figures ―either in part I or part II of the final list of voters‖ by Mah. 20 of 1980, s. 19.

5 This word and figures were substituted for the words ―the last preceding section‖ by Mah. 47 of 1973, s. 6.

6 This word and figures were substituted for the words ―the last preceding section‖ by Mah. 47 of 1973, s. 6.

7 Section 13 was substituted by Mah. 8 of 2002, s. 15, *w.e.f.*, 7th September 2001.

8 The marginal note was substituted by Mah. 10 of 1980, s. 7(*b*).

9 Sub-section (*1*) was substituted for the original sub-section (*1*) by Mah. 20 of 1980, s. 20.

10 This portion was inserted by Mah. 12 of 1990, s. 12(*a*).

not disqualified for being elected a Councillor under this Act or any other law for the time being in force, shall be qualified, and every person [1][who is not of twenty-one year of age as aforesaid and] whose name is not included in the list or who is so disqualified for being a Councillor, shall not be qualified, to be elected as a Councillor at any election.]

(*2*) Subject to the provisions of sub-section (*1*), the list of voters maintained under section 11 shall be conclusive evidence for the purpose of determining under this section whether a person is qualified or is not qualified to be elected, as the case may be, at any election.

16. Disqualification for becoming councillor.— (*1*) No person shall be qualified to become a Councillor whether by election, [2][* * *] or nomination, who,—

[3][(*a1*) has been so disqualified by or under any law,—

(*i*) for the time being in force for the purpose of elections to the Legislature of the State:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years.

(*ii*) made by the Legislature of the State of Maharashtra; or]

[4][(*a*) has been convicted by a Court in India of any offence and sentenced to imprisonment for not less than two years, unless a period of five years, for such lesser period as the State Government may allow in any particular case, has elapsed since his release; or]

[5][(*aa*) has, at any time after the commencement of the Maharashtra Municipalities and other other Provisions (Amendment) Act, 1974 (Mah. IV of 1974), been convicted of an offence punishable under section 153-A, or sub-section (*2*) or (*3*) of section 505 of the Indian Penal Code (XLV of 1860), unless a period of five years has elapsed since the date of such conviction; or

(*ab*) has been convicted of an offence punishable under the [6]Untouchability (Offences) Act, 1955 (XXII of 1955), and sentenced to imprisonment for any term or fine unless a period of [7][six years], has elapsed since his release; or]

(*ac*) has been convicted by a Court in India of any offence involving moral turpitude, unless a period of [8][six years], has elapsed since the date of such conviction; or]

(*b*) has been removed from office under section 42 and [9][six years] have not elapsed from the date of such removal, unless he has, by an order made by the State Government in this behalf, been, relieved earlier from the disqualification arising on account of such removal from office; or

[10][(*ba*) has been found guilty of misconduct in the discharge of his duties, or being guilty of any disgraceful conduct while holding the office of the President or Vice-President of the Council unless the period of disqualification provided under section 55B has lapsed;]

(*c*) is an undischarged insolvent; or

(*d*) is of unsound mind and stands so declared by a Competent Court; or

(*e*) has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State; or

(*f*) is a Judge; or

1 This portion was inserted by Mah. 12 of 1990, s. 12(*b*).

2 The word ―co-option‖ was deleted by Mah. 41 of 1994, s. 120(*a*).

3 Clause (*a1*) was inserted by Mah. 41 of 1994, s. 120(*b*).

4 Clause (*a*) was deemed always to have been substituted with effect from 16th December 1974, for the original by Mah. 4 of 1975, s. 3.

5 Clauses (*aa*) to (*ac*) were inserted by Mah. 4 of 1974, s. 7(*a*)(*ii*).

6 *See* now Protection of Civil Rights Act, 1955.

7 These words substituted for the words ―five years‖ by Mah. 41 of 1994, s. 120(*c*).

8 These words substituted for the words ―five years‖ by Mah. 41 of 1994, s. 120(*c*).

9 These words substituted for the words ―five years‖ by Mah. 41 of 1994, s. 120(*c*).

10 This clause was inserted by Mah. 11 of 1996, s. 11(*1*).

(*g*) is a subordinate officer or servant of Government or any local authority or holds an office of profit under Government or any local authority; or

[1][(*ga*) if, having held any office under any Government or local authority has, whether before or after the commencement of the Maharashtra Municipalities and other Provisions (Amendment) Act, 1974 (Mah. IV of 1974), been dismissed for misconduct, unless a period of five years has elapsed since his dismissal; or]

(*h*) is in arrears (otherwise than as a trustee) of any sum due by him to the Council after the presentation of bill therefor to him under section 150; or

[2][(*ha*) has not paid any sums due, whether surcharged or charged, under the provisions of the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930);]

(*i*) save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a Council or in any contract with or under or by or on behalf of a Council; or

(*j*) save as hereinafter provided, has directly or indirectly, by himself or his partner any share or interest in any transaction of loan of money advanced to, or borrowed from any officer or servant of the Council;

[3][(*k*) has more than two children:

Provided that, a person having more than two children on the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 1995 (Mah. XLIII of 2000) (hereinafter in this clause referred to as ―the date of such commencement‖), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

Explanation.— For the purposes of this clause,—

(*i*) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity;

(*ii*) ―child‖ does not include an adopted child or children.]

[4][(*l*) is a Member of the State Legislature or of Parliament:

Provided that, nothing in this Clause shall affect the membership of a sitting Councillor till the expiry of his current term of office as such Councillor:

Provided further that, any action, taken by such Councillor during the period from the 7th October 2001 till the 20th October 2001, being the date of publication of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2001 (Mah. Ord. XXXI of 2001), shall be deemed to have been validly taken and shall not be challenged in any court of law only on the ground that during the said period he had incurred disqualification under this clause;]

[5][(*m*) has failed to submit to the Council a certificate of the Authorised Officer [6][or a self-certificate by such person] of the concerned Council, certifying that,—

(*i*) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet; or

1 Clause (*ga*) was inserted by Mah. 4 of 1974, s. 7(*a*)(*iii*).

2 Clause (*ha*) was inserted by Mah. 18 of 1993, s. 6.

3 This Clause was added by Mah. 43 of 2000, s. 5.

4 This clause was added by Mah. 8 of 2002, s. 16, *w.e.f.*, 7th September 2001.

5 This clause was added by Mah. 19 of 2016, s. 4, *w.e.f.,* 2nd January 2017, *vide* G. N., U. D. D., No. SME. 2015/CR-254/UD-34, dated the 18.12.2016, published M.G.G., Part-1A, Central sub-section, Extra, dated the 16.12.2016, Extra No. 145.

6 These words were inserted by Mah. 52 of 2017, s. 4.

(*ii*) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the community or public toilet:

Provided that, no Councillor on the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Fourth Amendment) Act, 2015 (Mah. XIX of 2016), shall be disqualified under this clause, if he submits such certificate, within a period of one hundred eighty days from the date of such commencement:

Provided further that, if the Authorised Officer fails to take the decision in respect of such application within a period of thirty days from the date of receipt of the application; the application shall be deemed to have been granted and the Authorised Officer shall issue such certificate accordingly.]

[1][(*1A*) A person who at any time during the term of his office is disqualified under [2][section 55B or] the Maharashtra Local Authority Members Disqualification Act, 1986 (Mah. XX of 1987) for being a councillor shall cease to hold office as such councillor.]

[3][(*1B*) (*a*) A person shall be disqualified for being a Councillor, or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under section 21 or, as the case may be, section 44, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, a Scheduled Tribe or a Backward Class of Citizens (hereinafter referred to as ―a reserved category‖) on the basis of false claim or a false Caste Certificate declaring that such person belonged to such reserved category.

(*b*) Such period of disqualification shall be computed with effect from the date of passing of such order by the concerned authority.

(*1C*) (*a*) Notwithstanding anything contained in sub-section (*1B*), a councillor who has been elected to a reserved seat as mentioned in sub-section (*1B*), shall be disqualified for being such Councillor consequent upon the concerned Scrutiny Committee constituted under sub-section (*1*) of section 6 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001) or any other competent authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Scrutiny Committee or by the competent authority.

(*b*) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (*a*), the State Government shall, by notification in the *Official Gazette*, disqualify such person for being elected or being a Councillor for a period of six years from the date of such order.]

[4][(*1D*) If the State Election Commission is satisfied that a person,—

(*a*) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission; and

(*b*) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

1 Sub-section (*1A*) was inserted by Mah. 20 of 1987, s. 11, Sch.

2 These words, figures and letter were inserted by Mah. 11 of 1996, s. 11(*2*).
3 Sub-sections (*1B*) and (*1C*) were inserted by Mah. 43 of 2015, s. 4.
4 Sub-sections (*1D*) and (*1E*) were inserted by Mah. 12 of 2008, s. 5.

(*1E*) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (*1D*) or reduce the period of any such disqualification.]

(*2*) Nothing in clause (*g*) of sub-section (*1*) 1[or in sub-section (*1A*)] shall apply when a Government servant is nominated as a Councillor of a Council for a Municipal area specified in Part II or Part III of Schedule I.

2[(*2A*) A person shall not be deemed to have incurred disqualification under clause (*g*) of sub-section (*1*) by reason only of such person holding the office of Chairman or member of the committee of any co-operative society (which is registered or deemed to be registered under any law for the time being in force relating to the registration of co-operative societies) to which appointment is made by the State Government or the office of liquidator or joint liquidator to which appointment is made by the Registrar of Co-operative Societies, or the office of nominee of the Registrar whether appointed individually or to a board of nominees.]

(*3*) A person shall not be deemed to have incurred disqualification under clause (*i*) of sub-section (*1*) by reason of his,—

(*a*) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same; or

(*b*) having a share or interest in any company or co-operative society which contracts with or be employed by or on behalf of the Council; or

(*c*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Council may be inserted; or

(*d*) holding debentures or being otherwise interested in any loan raised by or on behalf of the Council; or

(*e*) having a share or interest in the occasional sale to the Council of any article in which he regularly trades, or in the purchase from the Council of any article, to a value in either case not exceeding in any official year two thousand rupees, or such higher amount not exceeding ten thousand rupees as the Council with the sanction of the State Government may fix in this behalf; or

(*f*) having share or interest in the occasional letting out on hire to the Council or in the hiring from the Council of any article for an amount not exceeding in any official year two hundred rupees, or such higher amount not exceeding one thousand rupees as the Council with the sanction of the Collector may fix in this behalf; or

(*g*) being a party to any agreement made with the Council for paying fixed charges or lump sum in lieu of any taxes or for construction of any drainage or water connections for his premises;

3[(*h*) receiving a pension from or of the Council; or

(*i*) any relation, being employed with, by, or on behalf of the Council, as an officer or servant thereof.]

(*4*) A person shall not be deemed to have incurred disqualification under clause (*f*) of sub-section (*1*) by reason only of his being an officer or member of a co-operative society, which advances or has advanced a loan of money to, or borrows or has borrowed money from, any officer or servant of the Council.

17. Power to make rules regulating elections.— (*1*) The State Government 4[in consultation with the State Election Commissioner], may make rules generally to provide for or to regulate, matters in respect of elections to be held under this Act.

1 These words, brackets, figure and letter were inserted by Mah. 20 of 1987, s. 11, Sch. 2
Sub-section (*2A*) was inserted by Mah. 4 of 1974, s. 7(*b*).
3 Clauses (*h*) and (*i*) were inserted by Mah. 41 of 1983, s. 2.
4 These words were inserted by Mah. 41 of 1994, s. 121.

(*2*) Without prejudice to the generality of the foregoing powers, the State Government 1[in consultation with the State Election Commissioner], may make rules with regard to all or any of the following matters, namely :—

(*a*) 2[the preparation, publication and maintenance of list of voters;]

3[* * * * * * *]

(*b*) the fixation of dates, time and places for various stages of election;

(*c*) the appointment and duties of returning officers, presiding officers and other staff appointed for elections;

(*d*) the nomination of candidates, form of nomination paper, objection to nominations, scrutiny of nominations and appeals against acceptance or rejection of nomination papers; (*e*) the deposits to be made by candidates and circumstances under which such deposits may be refunded to candidates or forfeited to the Council;

(*f*) the assignment of symbols to candidates;

(*g*) the withdrawal of candidature;

(*h*) the appointment of agents of candidates;

(*i*) the form of ballot paper;

(*j*) the procedure in contested and uncontested elections;

(*k*) the steps to be taken to prevent personation of voters;

(*l*) the manner of recording votes;

(*m*) the procedure to be followed in respect of challenged votes and tendered votes;

(*n*) the scrutiny of votes, counting or recounting of votes, declaration of results and procedure in case of equality of votes or in the event of a Councillor being elected to represent more than one ward;

(*o*) the custody and disposal of papers relating to elections;

(*p*) the circumstances in which poll may be suspended or held afresh;

(*q*) any other matter relating to elections which is to be or may be prescribed under this Act.

4[* * * * * *]

18. Failure to elect.— (*1*) If at a general election or a bye-election, no councillor is elected from any ward, a fresh election shall be held to elect a Councillor from that ward; 5[* * * * *]

6[* * * * * *]

19. Declaration of results of elections.— (*1*) As soon as possible after the counting of votes in a ward if it is a bye-election and in all the wards if it is a general election in a municipal area is over, the 7[State Election Commissioner] shall publish the result in the *Official Gazette*, as soon as conveniently may be. 8[If at a general election the poll could not be taken in any ward or wards for any reason on the date originally fixed for the purpose but it was taken on that date in more than two-thirds of all the wards,

1 These words were inserted by Mah. 41 of 1994, s. 121.
2 These words were substituted for the words ―the maintenance‖ by Mah. 47 of 1973, s. 7.
3 Clause (*aa*) was deleted by Mah. 20 of 1980, s. 21(*1*).
4 The proviso was deleted by Mah. 20 of 1980, s. 21(*2*).
5 The words ―and if there is a failure to elect a Councillor, at a fresh election, such vacancy may notwithstanding anything contained in this Act, be filled by nomination of a duly qualified person by the State Government,‖ were deleted by Mah. 41 of 1994, s. 122(*a*).
6 Sub-section (*2*) was deleted by Mah. 41 of 1994, s. 122(*b*).
7 These words were substituted for the word ―Collector‖ by Mah. 41 of 1994, s. 123(*a*).
8 This portion was added by Mah. 10 of 1967, s. 3.

the [1][State Election Commissioner] shall, as soon as possible after the counting of votes in the said wards is over, publish the available results in the *Official Gazette*, and as regards the remaining ward or wards, the [2][State Election Commissioner], shall subsequently publish the results in the *Official Gazette* as and when the poll is taken and counting of votes therein is over. In determining two-thirds of the number of the wards, a fraction shall be ignored. After every general election upon the publication of the results, or, as the case may be, the first publication of the results, in the *Official Gazette*, under this sub-section, the Council shall be deemed to be duly constituted.]

(*2*) If a person is elected in more than one ward, he shall by notice in writing signed by him and delivered to the [3][State Election Commissioner] within a period of seven days from the date of publication of the results under sub-section (*1*), [4][or as the case may be, the date of subsequent publication of the results thereunder in which his name is included] choose any one of the wards which he shall serve and the choice shall be final.

(*3*) When such choice is made, fresh election shall be ordered in the remaining ward or wards.

[5][(*4*) In case such person fails to notify his choice within the period specified in sub-section (*2*), the State Election Commissioner shall by lot decide one of the wards within which such person shall serve and the decision of the Commissioner shall be final. Fresh election shall be ordered in the remaining ward or wards.]

[6][* * * * *]

19A.[7][Co-option of Councillors-*Deleted*.]

[8][20. Publication of names of nominated Councillors.— The names of nominated Councillors shall also be published by the State Election Commissioner in the *Official Gazette*.]

(*4*) *Disputes in respect of election,* [9][* *] *or nomination of Councillors*.

21. Disputes in respect of election, [10][* *] or nomination of Councillors.— (*1*) No election, [11][* *] or nomination of a Councillor may be called in question, except by a petition presented to the District Court, by a candidate at the election or by any person entitled to vote at the election, within ten days from the date of publication of the names of the Councillors in the *Official Gazette* under section 19 or 20, as the case may be.]

(*2*) Any such petition—

(*a*) shall contain a concise statement of the material facts on which the petitioner relies;

(*b*) shall, with sufficient particulars, set forth the ground or grounds on which the election, [12][* *] or nomination is called in question; and

(*c*) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (V of 1908), for the verification of pleadings.

(*3*) A petitioner may claim all or any one of the following declarations :—

(*a*) that the election of all or any of the returned candidates is void; or

1 These words were substituted for the word ―Collector‖ by Mah. 41 of 1994, s. 123(*a*). 2 These words were substituted for the word ―Collector‖ by Mah. 41 of 1994, s. 123(*a*). 3 These words were substituted for the word ―Collector‖ by Mah. 41 of 1994, s. 123(*a*). 4 These words were inserted by Mah. 10 of 1967, s. 3(*b*).

5 Sub-section (*4*) was substituted by Mah. 41 of 1994, s. 123(*c*).

6 Sub-section (*5*) was deleted by Mah. 19 of 1981, s. 5.

7 Section 19A was deleted by Mah. 19 of 1981, s. 6.

8 Section 20 was substituted by Mah. 41 of 1994, s. 124.

9 The word ―co-option‖ was deleted by Mah. 41 of 1994, s. 125.

10 The words ―co-option or‖ were deleted by Mah. 41 of 1994, s. 126(*e*)(*ii*).

11 The word ―co-option or‖ were deleted by Mah. 41 of 1994, s. 126(*a*).

12 The word ―co-option‖ was deleted by Mah. 41 of 1994, s. 126(*b*).

(*b*) that the election of all or any of the returned candidates is void and that he himself or any

other candidates has been duly elected; or

(*c*) that the [1][* *] nomination of all or any of the [2][* *] nominated Councillors is void.

(*4*) A petitioner shall join as respondents to his petition—

(*a*) where the petitioner claims a declaration under clause (*a*) of sub-section (*3*), the returned candidate or candidates in respect of whom such declaration is claimed;

(*b*) where the petitioner claims a declaration under clause (*b*) of sub-section (*3*), all the contesting candidates other than the petitioner;

(*c*) any other candidate against whom allegations of any corrupt or illegal practice are made in the petitions;

[3][(*d*) where the petitioner claims a declaration under clause (*c*) of sub-section (*3*), all or any of the nominated Councillors in respect of whom such declaration is claimed and the Council who nominated the Councillor member].

(*5*) Such petition shall be inquired into and disposed of by the District Judge or by any Judge not lower in rank than an Assistant Judge to whom the case or such cases generally may be referred to by the District Judge.

(*6*) All petitions under sub-section (*1*),—

(*a*) in which the validity of the election of Councillors elected to represent the same ward is in question shall be heard by the same Judge; and

(*b*) in which the validity of the election of the same Councillor elected to represent the same ward is in question shall be heard together.

(*7*) For the trial of such petition, the Judge shall have all the powers of a Civil Court including powers in respect of the following matters :—

(*a*) discovery and inspection;

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses;

(*c*) compelling the production of documents;

(*d*) examining witnesses on oath;

(*e*) granting adjournments;

(*f*) reception of evidence on affidavit; and

(*g*) issuing commissions for the examination of witnesses;

and the Judge may summon and examine *suo motu* any person whose evidence appears to him to be material. The Judge shall be deemed to be a Civil Court, within the meaning of sections 480 and 482 of the [4]Code of Criminal Procedure, 1898 (V of 1898).

(*8*) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908) the Judge shall not permit,—

(*a*) any application to be compromised or withdrawn; or

(*b*) any person to alter or amend any pleading,

unless he is satisfied that such application for compromise or withdrawal or the application for such alteration or amendment is *bona fide* and not collusive.

1 The words ―co-option or‖ were deleted by Mah. 41 of 1994, s. 126(*c*)(*i*). 2 The words ―co-opted or‖ were deleted by Mah. 41 of 1994, s. 126(*c*)(*ii*). 3 Clause (*d*) was substituted by Mah. 41 of 1994, s. 126(*d*).

4 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

(*9*) The Judge, after such inquiry as he deems necessary, may pass suitable order and his order shall be conclusive.

(*10*) If the petitioner has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Judge is satisfied that,—

(*a*) the petitioner or such other candidate received sufficient number of valid votes to have been elected; or

(*b*) but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a sufficient number of valid votes to have been elected,

the Judge may, after declaring the election of the returned candidate void, declare the petitioner or such other candidate to have been duly elected:

Provided that,—

(*i*) for the purpose of such computation, no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person known or unknown in giving or obtaining it;

(*ii*) after such computation, if any equality of vote is found to exist between any candidates and the addition of one vote would entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been recorded in favour of the candidate, or candidates, as the case may be, selected by lot drawn in the presence of the Judge in such manner as he may determine.

(*11*) Where any charge is made in the petition of any corrupt practice, the Judge shall make an order recording the names of all persons including any candidates, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice and may disqualify any such person for becoming a Councillor or Member of any other local authority for such period not exceeding six years but not less than two years from the date of the order, as the Judge may specify in the order:

Provided that, no person shall be named in such order unless—

(*a*) he has been given notice to appear before the Judge and to show cause why he should not be so named; and

(*b*) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Judge and has given evidence against him, of calling evidence in his defence and of being heard.

[1][(*11A*) If the validity of any election is called in question only on the ground of an error made by an officer charged with carrying out the provisions of clause (*b*) or (*c*) of sub-section (*2*) of section 9 or of the rules made under section 17 or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.]

(*12*) If the Judge sets aside the election of candidate on the ground that a corrupt practice has been committed by the returned candidate or his election agent or by any other person with the consent of the candidate or his election agent and if such candidate‘s name has not been included in any order made under sub-section (*11*), the Judge shall declare such candidate disqualified for becoming a Councillor or Member or any other local authority of such period not exceeding six years but not less than two years from the date of the order, as the Judge may specify in the order.

(*13*) The Judge may also make an order fixing the total amount of costs payable and specifying the person by and to whom costs shall be paid. Such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (V of 1908).

1 Sub-section (*11A*) was inserted by Mah. 47 of 1973, s. 10(*b*).

(5) *Corrupt practices and other electoral offences.*

22. Corrupt practices.— The following shall be deemed to be corrupt practices for the purposes of this Act :—

(*1*) Bribery, that is to say,—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any gratification, to any person whomsoever, with the object, directly or indirectly, of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(*b*) a voter to vote or refrain from voting at an election;

or as a reward to—

(*i*) a person for having so stood or not stood; or for having withdrawn his candidature; or

(*ii*) a voter for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(*a*) by a person for standing or not standing as, or for withdrawing from being a candidate; or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any voter to vote or refrain from voting, or any candidate to withdraw his candidature.

Explanation.— For the purposes of this clause, the term ―gratification‖ is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward, but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of any election.

(*2*) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person, with the consent of the candidate or his election agent, with the free exercise of any electoral right:

Provided that—

(*a*) without prejudice to the generality of the provisions of this clause any such person as is referred to therein, who—

(*i*) threatens any candidate or any voter, or any person in whom a candidate or a voter is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(*ii*) induces or attempts to induce a candidate or a voter to believe that he or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure;

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of this clause;

(*b*) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(*3*) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent, to vote or refrain from voting for any person on the grounds, of his religion, race, caste, community or language or the use of, appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(*4*) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in

relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(*5*) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, for the conveyance of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station:

Provided that, the hiring of a vehicle or vessel by a voter or by several voters at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that, the use of any public transport vehicle or vessel or any tramcar or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.— In this clause, the expression ―vehicle‖ means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(*6*) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of the candidate's election, from any person in the service of the Government or Council.

23. Prohibition of public meetings on the election day.— (*1*) No person shall convene, hold or attend any public meeting, within a ward of a municipal area on the date or dates on which poll is taken for an election from that ward.

(*2*) Any person who contravenes any provision of sub-section (*1*) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

24. Disturbances at election meeting.— (*1*) This section applies to any public meeting in connection with an election held in a municipal area after the programme for the election from any ward of the municipal area is announced.

(*2*) Any person who at a public meeting to which this section applies, acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(*3*) If any police officer reasonably suspects any person of committing an offence under sub-section (*2*), he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately, his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

25. Prohibition of canvassing in or near polling stations.— (*1*) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely :—

(*a*) canvassing for votes; or

(*b*) soliciting the vote of any voter; or

(*c*) persuading any voter not to vote for any particular candidate; or

(*d*) persuading any voter not to vote at the election; or

(*e*) exhibiting any notice or sign (other than an official notice) relating to the election.

(*2*) Any person who contravenes any provision of sub-section (*1*) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

26. Penalty for disorderly conduct in or near polling stations.— (*1*) No person shall, on the date or dates on which a poll is taken at any polling station,—

(*a*) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(*b*) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station of the poll or so as to interfere with the work of the officers and other persons on duty at the polling station.

(*2*) Any person who contravenes, or wilfully aids or abets the contravention of, any provision of sub-section (*1*) shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

(*3*) If the presiding officer of a polling Station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(*4*) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (*1*), and may seize any apparatus used for such contravention.

27. Penalty for misconduct at polling stations.— (*1*) Any person who during the hours fixed for poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(*2*) The powers conferred by sub-section (*1*) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(*3*) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

(*4*) An offence under sub-section (*3*) shall be cognizable.

28. Penalty for illegal hiring or procuring of conveyances at election.— If any person is guilty of any such corrupt practice as is specified in clause (*5*) of section 22 at or in connection with an election, he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

29. Maintenance of secrecy of voting.— (*1*) Every officer, clerk, agent or other person who performs any duty, in connection with the recording or counting of votes at an election, shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(*2*) Any person who contravenes any provision of sub-section (*1*) shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

30. Officers, etc. at election not to act for candidates or to influence voting.— (*1*) No person who is a returning officer or a presiding or polling officer at an election or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election, shall,

in the conduct or the management of the election, do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(*2*) No such person as aforesaid, and no member of police force, shall endeavour,—

(*a*) to persuade any person to give his vote at an election; or

(*b*) to disuade any person from giving his vote at an election; or

(*c*) to influence the voting of any person at an election in any manner.

(*3*) Any person who contravenes any provision of sub-section (*1*) or sub-section (*2*), shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

31. Breaches of official duty in connection with election.— (*1*) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(*2*) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(*3*) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other persons appointed to perform any duty in connection with the preparation of a municipal voters list, the receipt of nominations or withdrawals of candidatures or the recording or counting of votes at any election, and the expression ―official duty‖ shall, for the purposes of this section, be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

32. Removal of ballot papers from polling station to be an offence.— (*1*) Any person who, at any election, fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(*2*) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (*1*) such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search person or cause him to be searched by a police officer:

Provided that, when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(*3*) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer shall be kept by such officer in safe custody.

(*4*) An offence punishable under sub-section (*1*) shall be cognizable.

33. Other electoral offences and penalties therefor.— (*1*) A person shall be guilty of an electoral offence if at any election, he,—

(*a*) fraudulently defaces or fraudulently destroys any nomination paper; or

(*b*) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or

(*c*) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(*d*) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(*e*) fraudulently puts into any ballot box anything, other than the ballot paper which he is authorised by law to put in; or

(*f*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(*g*) fraudulently, or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(*2*) Any person guilty of an offence under this section shall,—

(*a*) if he is a returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both;

(*b*) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(*3*) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression ―official duty‖ shall not include any duty imposed otherwise than by or under this Act.

(*4*) An offence punishable under clause (*b*) of sub-section (*2*) shall be cognizable.

34. Prosecution regarding certain offences.― No Court shall take cognizance of any offence punishable under section 30, or under section 31, or under clause (*a*) of sub-section (*2*) of section 33, unless there is a complaint made by an order of, or under authority from [1][the State Election Commissioner.]

(6) *Powers of requisitioning for election purposes*.

35. Requisitioning of premises, vehicles, etc., for election.― (*1*) If it appears to the [2][State Election Commissioner] (hereinafter referred to as ―the requisitioning authority‖) that in connection with and election,—

(*a*) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

(*b*) any vehicle, vessel or animal is needed or likely to be needed for the purpose of transport of ballot boxes to, or from, any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer, or other person for the performance of any duties in connection with such election, the requisitioning authority may by order in writing requisition such premises or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that, no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(*2*) The requisition shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed in the manner prescribed for the service of a notice under section 325.

(*3*) Any person to whom such order is addressed shall be bound to deliver possession of such premises or such vehicle, vessel or animal to the requisitioning authority or to such other officer as may be specified in the order.

1 These words were substituted for the word ―Collector‖ by Mah. 41 of 1994, s. 127.

2 These words were substituted for the words ―Collector or an officer authorised by the Collector‖ by Mah. 41 of 1994, s. 128.

(*4*) Whenever any property is requisitioned under sub-section (*1*), the period of such requisition shall not extend beyond the period for which property is required for any of the purposes mentioned in that sub-section.

Explanation.— For the purpose of this section ―premises‖ means any land, building, or part of a building and includes a hut, shed or other structure or any part thereof.

(*5*) Any person who contravenes any order made under this section shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

36. Payment of compensation.— (*1*) Whenever in pursuance of the last preceding section, the requisitioning authority requisitions any premises, or any vehicle, vessel or animal, the Council shall pay to the person interested compensation, the amount of which shall be determined by the requisitioning authority taking into consideration the following, namely :—

(*a*) in the case of premises,—

(*i*) the rent payable in respect of the premises or if no rent is payable, the rent payable for similar premises in the locality;

(*ii*) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

(*b*) in the case of any vehicle, vessel or animal, the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal.

(*2*) Any person interested or any person, who claims to be entitled to receive compensation, being aggrieved by the order of the requisitioning authority as to,—

(*i*) the amount of compensation determined; or

(*ii*) the title of any person entitled to receive compensation; or

(*iii*) the apportionments of the amount of compensation among two or more persons, may, within one month from the receipt of the order under sub-section (*1*), or if the order is not addressed to him within one month from the date of the order, appeal to the District Court and the decision of the District Court on such appeal shall be final.

Explanation.— For the purpose of this section, the expression ―person interested‖ means,—

(*a*) in the case of premises,—

(*i*) the person who was in actual possession of the premises immediately before the requisition; or

(*ii*) when no person was in actual possession, the owner of such premises;

(*b*) in the case of any vehicle, vessel or animal, the owner thereof; and

(*c*) any other person who is entitled to receive compensation:

Provided that, where immediately before the requisitioning, any vehicle or vessel was, by virtue of a hire-purchase agreement, in the possession of a person other than the owner, the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement in such manner as the requisitioning authority may decide.

37. Power to obtain information.— (*1*) The requisitioning authority may, with a view to requisitioning any property under section 35 or determining the compensation payable under section 36 by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

(*2*) If any person to whom such order is addressed refuses to furnish such information or wilfully furnishes false information, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

38. Eviction from requisitioned premises.— (*1*) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 35 may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(*2*) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove, or open any lock or bolt or break open any door or any building or do any other act necessary for effecting such eviction.

39. Release of premises from requisition.— (*1*) When any premises requisitioned under section 35 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned or if there were no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(*2*) Where the person to whom possession of any premises requisitioned under section 35 is to be given under sub-section (*1*) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the *Official Gazette*.

(*3*) When a notice referred to in sub-section (*2*) is published in the *Official Gazette*, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the Council shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

[1][(7) *Duration of Council and Term of Office of Councillors.*]

[2]**[40. Duration of Council.—** (*1*) Every Council, unless sooner dissolved, shall continue for a period of five years from the date appointed for its first meeting and no longer.

(*2*) A Council constituted upon the dissolution of a Council before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Council would have continued under sub-section (*1*), had it not been so dissolved.]

[3]**[41. Term of Office of Councillors.—** (*1*) The term of office of the Councillors shall be co-terminus with the duration of the Council.

(*2*) A Councillor may resign his office unconditionally at any time by notice in writing in his hand addressed to the Collector and delivered in person and sign before the Collector and then only such resignation shall be effective.

41A. Election to constitute Council.— An election to constitute a Council shall be completed,—

(*a*) before the expiry of its duration specified in sub-section (*1*) of section 40; or

(*b*) before the expiration of a period of six months from the date of its dissolution:

Provided that, where the remainder of the period for which the dissolved Council would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Council for such period.]

42. Liability of Councillors to removal from office.— (*1*) The State Government may on its own motion or on the recommendation of the Council remove any Councillor from office if such Councillor

1 This sub-heading was substituted by Mah. 41 of 1994, s. 129.

2 Section 40 was substituted by Mah. 41 of 1994, s. 130.

3 Sections 41 and 41A were substituted for section 41 by Mah. 41 of 1994, s. 31.

has been guilty of any misconduct in the discharge of his duties or of 1[any disgraceful conduct, during his current term of office or even during his immediately preceding term of office as a Councillor.]

(*2*) The State Government may likewise remove any Councillor from office, if such Councillor has in the opinion of the State Government become incapable of performing his duties as a Councillor.

2[* * * * *]

(*3*) No resolution recommending the removal of any Councillor for the purposes of sub-section (*1*) or (*2*) shall be passed by a Council and no order of removal shall be made by the State Government, unless the Councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation or order, as the case may be, should not be made.

(*4*) In every case the State Government makes an order under sub-section (*1*) or (*2*), the Councillor shall be disqualified from becoming a Councillor, or a Councillor or member of any other local authority for a period of five years from the date of such order.

43. Resignation not to affect subsequent disqualification of a Councillor.— Notwithstanding that a Councillor has resigned his office under section 41, if he is subsequently found guilty under sub-section (*1*) of section 42, the State Government may disqualify him from becoming a Councillor, or a Councillor or member of any other local authority for a period of five years from the date of its' order:

Provided that, no such action shall be taken against any person 3[* * * * * *] without giving him a reasonable opportunity of being heard.

44. Disqualification of Councillor during his term of office.— (*1*) A Councillor shall be disqualified to hold office as such, if at any time during his term of office, he—

(*a*) is or becomes subject to any of the disqualifications specified in section 16 except the disqualification specified in clause (*h*) of sub-section (*1*) of that section; or

(*b*) as a Councillor or as a member of any committee of the Council votes in favour of any matters in which he has directly or indirectly by himself or his partner any such share or interest as is described in clauses (*a*), (*b*), (*c*), (*e*) and (*g*) of sub-section (*3*) of section 16, whatever may be the value of such share or interest or in which he is professionally interested on behalf of a client, principal or other person; or

(*c*) is professionally interested or engaged in any case for or against the Council; or

(*d*) absents himself during six successive months from the meetings of the Council, except with the leave of absence granted by the Council by a resolution on his written application for such leave; 4[or]

5[(*e*) has constructed or constructs by himself, his spouse or his dependent, any illegal or unauthorised structure violating the provisions of this Act, or the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or the rules or bye-laws framed under the said Acts; or has directly or indirectly been responsible for, or helped in his capacity as such Councillor in, carrying out such illegal or unauthorised construction or has by written communication or physically obstructed or tried to obstruct any Competent Authority from discharging its official duty in demolishing any illegal or unauthorised structure],

and he shall be disabled subject to the provisions of sub-section (*3*) from continuing to be a Councillor and his office shall become vacant:

Provided that—

(*i*) a Councillor shall not be disqualified under clause (*c*) if he is engaged for the Council without receiving any remuneration therefor or appears and conducts his own case in a court of law

1 These words were substituted for the words ―any disgraceful conduct‖ by Mah. 11 of 1983, s. 3.

2 This proviso was deleted by Mah. 19 of 1981, s. 9.

3 The words ―after the expiry of one year from the date of his resignation‖ were deleted by Mah. 11 of 1983, s. 4. 4 This word was added by Mah. 11 of 2002, s. 44(*a*).

5 This clause was added by Mah. 11 of 2002, s. 44(*b*).

or before any authority under this Act against the Council irrespective of whether such a Councillor is a legal practitioner by profession or not;

(*ii*) for the purpose of clause (*d*) when the Councillor applies for leave, such leave shall be deemed to have been granted unless it is refused within a period of sixty days from the date of his application.

(*2*) When a Councillor whether elected, 1[* *] or nominated incurs any of the disqualifications in sub-section (*1*), it shall be the duty of the Chief Officer to submit a report to the Collector within one month of his becoming aware of the disqualification through any source whatsoever.

(*3*) In every case the authority to decide whether a vacancy has arisen shall be the Collector. The Collector may give his decision on receipt of the report of the Chief Officer under sub-section (*2*), or on his own motion or on an application made to him by a voter and such decision shall be communicated to the Councillor concerned, the Chief Officer and the applicant, if any. Until the Collector decides that a vacancy has arisen and such decision is communicated as provided above, the Councillor shall not be deemed to have ceased to hold office.

(*4*) Any person aggrieved by the decision of the Collector may within a period of fifteen days from the date of receipt of the decision of the Collector by him, appeal to the State Government and the orders passed by the State Government shall be final:

Provided that, no order shall be passed under sub-section (*3*) by the Collector or under sub-section (*4*) by the State Government in appeal, against any Councillor without giving him a reasonable opportunity of being heard.

Explanation.— If any elected, 2[* *] or nominated Councillor were subject to any disqualification specified in section 16, at the time of his election, 3[or nomination] and continues to be so disqualified, the disqualification shall, for the purposes of this section, be deemed to have been incurred during the term for which he is elected, 4[* *] or nominated.

45. Special provisions regarding disqualification for failure to pay taxes due to the Council.— (*1*) The Chief Officer shall prepare and forward to the Collector by the 15th day of April, July, October and January every year a list of all the Councillors (including the President and the Vice-President) who, on the 1st day of April, July, October and January, respectively, immediately preceding, have failed to pay any tax or taxes due by them to the Council within two months from the date on which such tax became payable, and the amount due from each by way of each such tax. A copy of the list shall be placed before the Council at its next meeting.

(*2*) The Chief Officer shall also issue to every Councillor included in such list, simultaneously a special notice in the prescribed form requiring him to pay the amount of tax due from him within one month from the date of the issue of such notice.

(*3*) The Chief Officer shall forward to the Collector by the last day of May, August, November and February, immediately following, a statement showing :—

(*i*) the name of each Councillor included in the list prepared under sub-section (*1*);

(*ii*) the amount of tax due from each such Councillor by way of each such tax and the date on which it became payable;

(*iii*) the date of the special notice issued to such Councillor under sub-section (*2*); and

(*iv*) the amount of tax paid by the Councillor and the reasons for the non-payment of the balance, if any.

(*4*) On receipt of the statement under sub-section (*3*), the Collector shall issue a special notice to each Councillor who has failed to pay any tax by the date specified in the notice under sub-section (*2*), calling upon him to state within one month from the date of the special notice why he should not be

1 The word ―Co-opted‖ was deleted by Mah. 41 of 1994, s. 132(*a*).

2 The word ―Co-opted‖ was deleted by Mah. 41 of 1994, s. 132(*b*)(*i*).

3 These words were substituted for the words ―Co-option or nomination, as the case may be‖ by Mah. 41 of 1994, s. 132(*b*)(*ii*).

4 The word ―Co-opted‖ was deleted by Mah. 41 of 1994, s. 132(*a*).

disqualified and his office declared vacant. If the Councillor fails to give an explanation to the satisfaction of the Collector for the non-payment of the taxes, the Collector shall issue an order disqualifying such Councillor and his office shall thereupon be vacant:

Provided that, neither the pecuniary circumstances of the Councillor nor the fact that he has paid the arrears after the notice under sub-section (*4*) was received by him shall be a satisfactory explanation for the purposes of this sub-section.

(*5*) Any person aggrieved by the decision of the Collector may, within a period of fifteen days from the date of the receipt of the Collector‘s order by him, appeal to the State Government, and the orders passed by the State Government in such appeal shall be final:

Provided that, no such appeal shall be entertained by the State Government unless the amount of tax due is deposited in the office of the Council.

(*6*) Notwithstanding the fact that the Councillor so disqualified has since the date of his disqualification paid such dues of his own accord or such dues are recovered from him in accordance with the procedure laid down by or under this Act, such Councillor shall be disqualified from becoming a Councillor or a Councillor or member of any other local authority for a period of five years from the date of such disqualification.

46. Section 45 not to affect Council’s other powers for recovery of taxes.— Nothing in the last preceding section shall be deemed to affect the powers of the Council to recover the amount of tax due from any Councillor in any other manner provided by or under this Act.

47. Councillor to vacate all offices if he ceases to be Councillor.— A person who ceases to be a Councillor for any reason whatsoever shall *ipso facto* vacate all the offices held by him by virtue of his being a Councillor.

48. Casual vacancies how to be filled up.— (*1*) Where a vacancy occurs through the non-acceptance of office by any elected, 1[* *] or nominated Councillor or such person being disqualified for becoming or continuing to be a Councillor, or any election being set aside under the provisions of section 21 or the death, resignation, removal or disability of a Councillor previous to the expiry of his term of office, the vacancy shall be filled by a by-election 2[* *] or nomination according as the Councillor was elected 3[* *] or nominated:

4[Provided that, no by-election shall be held 5[* *] or nomination made for filling of a casual vacancy, if the general elections are due to be held within six months of the occurrence of the vacancy.]

(*2*) The Chief Officer shall report to the 6[State Election Commissioner] every vacancy in the office of a Councillor within fifteen days of the occurrence of the vacancy or within fifteen days of his becoming aware of the vacancy, whichever is later.

48A.7[* * *]

CHAPTER III

DUTIES AND FUNCTIONS OF THE COUNCIL AND THE MUNICIPAL EXECUTIVE

(1) *Obligatory duties and discretional functions of the Council*.

49. Duties and functions of the Council.— (*1*) Except as otherwise provided in this Act, the municipal Government of a municipal area shall vest in the Council.

1 The word ―co-opted‖ was deleted by Mah. 41 of 1994, s. 133(*a*)(*i*).

2 The words ―or co-option‖ were deleted by Mah. 41 of 1994, s. 133(*a*)(*ii*).

3 The words ―or co-opted‖ were deleted by Mah. 41 of 1994, s. 133(*a*)(*iii*).

4 This proviso was deemed to have been substituted on 6th May 1972 by Mah. 34 of 1972, s. 2. 5 The words ―or co-option‖ were deleted by Mah. 41 of 1994, s. 133(*a*)(*ii*).

6 These words were substituted for the word ―Collector‖ by Mah. 41 of 1994, s. 133(*b*). 7 Section 48A was deleted by Mah. 41 of 1994, s. 134.

(*2*) In addition to the duties imposed upon it by or under this Act or any other law for the time being in force, it shall be the duty of every Council to undertake and to make reasonable provision for the following matters within the limits of the municipal area, and when effective measures cannot otherwise be made then even outside the said limits, namely :—

(*a*) lighting public streets, places and buildings;

1[(*aa*) planning for social and economic development;

(*ab*) urban forestry, protection of the environment and promotion of ecological aspects;]

(*b*) watering public streets and places;

(*c*) cleansing public streets, places and sewers, and all spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Council or not removing noxious vegetation and abating all public nuisances;

2[(*d*) maintenance of a fire-brigade equipped with suitable appliances for extinguishing fires, and protection of life and property when fire occur;]

(*e*) regulating or abating offensive or dangerous trades or practices;

(*f*) removing obstructions and protections in public streets or places and in spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Council or in Government;

(*g*) securing or removing dangerous buildings or places and reclaiming unhealthy localities;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at reasonable cost;

(*k*) naming streets and numbering of premises;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipal area for the supply of animal lymph;

(*o*) establishing and maintaining public dispensaries, and providing public medical relief and organising 3[family planning centres and promoting population control, family welfare and small family norms;]

(*p*) establishing and maintaining primary schools;

(*q*) printing such annual reports on the municipal administration of the municipal area as the State Government by general or special orders requires the Council to submit;

(*r*) erecting substantial boundary marks of such description and in such position as shall be approved by the Collector, defining the limits or any alteration in the limits of the municipal area;

[4][(*ra*) converting dry latrines in the municipal area into wet latrines;]

1 Clauses (*aa*) and (*ab*) were inserted by Mah. 41 of 1994, s. 135(*a*).

2 Clause (*d*) was substituted for the original by Mah. 26 of 1990, s. 2.

3 These words were substituted for the words ―Family Planning Centres‖ by Mah. 18 of 1993, s. 7(*a*). 4 Clause (*ra*) was inserted by Mah. 45 of 1975, s. 4(*a*).

(*s*) disposing of night-soil and rubbish and if so required by the State Government, preparation of compost manure from such night-soil and rubbish;

[1][(*s-1a*) ensuring that no person shall require or compel any other person to carry, and no person shall carry, night-soil as a head-load for removing it from one premises or place to any other premises or place, or for disposal, in any part of the municipal area;]

[2][(*sa*) taking such measures as the State Government may, from time to time, direct for improvement of the living and working conditions of the sanitary staff of the Council;]

[3][(*sb*) welfare measures for the Scheduled Castes, Scheduled Tribes, *Vimukta Jatis* and Nomadic Tribes, who are residing within the limits of the municipal area, and in particular taking such measures for the amelioration of the conditions of these classes as the State Government may, from time to time, direct;]

(*t*) providing special medical aid and accommodation for the sick in time of dangerous or communicable disease and taking such measures as may be required to prevent the outbreak or to suppress and prevent the recurrence of such disease;

(*u*) giving relief and establishing and maintaining relief works in time of scarcity or for destitute persons within the limits of the municipal area;

(*v*) imposing compulsory taxes which are specified in section 105.

(*3*) A Council may, at its discretion provide, either wholly or partly, out of the municipal property and funds for—

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, and the land required for the construction of buildings or curtilages thereof to abut on such streets;

[4][(*aa*) slum improvement and upgradation;

(*ab*) urban poverty alleviation;

(*ac*) cattle pounds and prevention of cruelty to animals;

(*ad*) regulation of tanneries;]

(*b*) establishing or maintaining public hospitals, institutions for pre-primary and secondary education, libraries, museums, lunatic asylums, gymnasiums, *akhadas*, and homes for disabled and destitute persons, and constructing and maintaining buildings therefor, along with such other public buildings like town halls, municipal offices, shops, *dharmashalas*, open air theatres, stadia and rest-houses;

(*c*) laying out or maintaining public parks and gardens, and also planting and maintaining road-side and other trees;

(*d*) providing music for the people;

(*e*) taking a census, and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*f*) making a survey;

(*g*) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary or honorary Magistrate; or any portion of any such charges;

(*h*) arranging for the destruction or the detention and preservation of dogs which may be destroyed or detained under section 293 of this Act or under section 44 of the Bombay Police Act, 1951 (Bom. XXII of 1951);

1 Clause (*s-1a*) was inserted by Mah. 67 of 1981, s. 2.

2 Clause (*sa*) was inserted by Mah. 45 of 1975, s. 4(*d*).

3 Clause (*sb*) was inserted by Mah. 9 of 1976, s. 3.

4 Clauses (*aa*), (*ab*), (*ac*) and (*ad*) were inserted by Mah. 41 of 1994, s. 135(*b*).

(*i*) securing or assisting to secure suitable places for the carrying on of the offensive trades specified in section 280;

(*j*) supplying, constructing and maintaining, in accordance with a general system approved by the Director of Public Health, receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the Council;

(*k*) the acquisition and maintenance of grazing grounds; and the establishment and maintenance of dairy farms and breeding stud;

(*l*) establishing and maintaining a farm or factory for the disposal of sewage;

(*m*) the construction, maintenance, management, organisation or purchase of telephone lines, or for guaranteeing the payment of interest on money expended for the construction of a telephone line subject to the previous sanction of the Director when the line extends beyond the limits of the municipal area;

(*n*) promoting the well-being of municipal employees or any class of municipal employees and of their dependent;

(*o*) providing accommodation for servants employed by the Council;

(*p*) the construction of sanitary dwellings for the poorer classes;

(*q*) the construction, purchase, organisation, maintenance, extension and management of light railways, tramways, and mechanically propelled transport facilities for the conveyance of the public;

(*r*) the construction, maintenance, repairs, purchase of any works for the supply of electrical energy or gas;

(*s*) making contributions to the funds of the Local Self-Government Institute, Bombay, or any other organisation or institution in the State which deals exclusively with Local Self-Government matters in urban areas, and is recognised by the State Government;

(*t*) making contributions towards the construction, establishment or maintenance of educational institutions including libraries and museums, any hospital, dispensary or similar institution providing for public medical relief, or any other institution of a charitable nature;

(*u*) giving grants or donations to privately run primary or secondary schools or hostels for students;

(*v*) the setting up of dairies or farms for the supply, distribution and processing of milk or milk products for the benefit of the inhabitants of the municipal area;

[1][(*w*) any ceremony, fair, entertainment, exhibition or public reception including those to felicitate meritorious students within the municipal area [2][within such limits of expenditure as may be prescribed;]

[3][* * *]

(*x*) any other measure not specified in sub-section (*2*) likely to promote public safety, health and convenience.

(*4*) No suit for damages or for specific performance shall be maintainable against any Council or any Councillor or officer or servant thereof on the ground that any of the duties specified in sub-section (*2*) above have not been performed.

1 Clause (*w*) was substituted for the original by Mah. 18 of 1993, s. 7(*b*).

2 These words were substituted for the words, letters and figures ―if the total expenditure during the year does not exceed Rs. 30,000, Rs. 20,000 and Rs. 10,000 in the case of A class, B class and C class Councils, respectively,‖ by Mah. 15 of 2012, s. 2(*a*).

3 This proviso was deleted by Mah. 15 of 2012, s. 2(*b*).

(*5*) Every Council shall also, out of the municipal property and fund, make payments at such rates as the State Government may from time to time by general or special order specify for the maintenance and treatment either in the municipal area or at any asylum, hospital or house, whether within or without such municipal area which the State Government declares by notification to be suitable for such purpose,—

(*a*) of lunatics, not being persons for whose confinement an order under Chapter XXXIV of the [1]Code of Criminal Procedure, 1898 (V of 1898), is in force, and

(*b*) of leprosy patients,

resident within or under any enactment for the time being in force removed from the municipal area:

Provided that, the Council shall not be liable under this sub-section for the maintenance and treatment of any lunatic or leprosy patient in any such asylum, hospital or house as aforesaid, unless such lunatic or leprosy patient, immediately previous to his admission thereto, has been resident in the municipal area for at least one year:

Provided further that, where an application is made to the High Court or a District Court under the provisions of section 88 of the Indian Lunacy Act, 1912 (IV of 1912), no order, for the payment of the cost of maintenance of the lunatic by a Council shall be made without an opportunity being given to such Council to show that the lunatic has an estate applicable to his maintenance or that there is a person legally bound, and having the means, to maintain him. The officer in charge of any asylum to which lunatics for whose maintenance and treatment a Council is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of each lunatic detained in the asylum and shall furnish a copy thereof to the Council on application.

(*6*) If any Council supplies water through pipes, it shall take such steps, at such intervals, and on payment of such fees, as may be determined by a general or special order made by the State Government, to ascertain the condition of the water so supplied, by inspection and analysis at a laboratory approved by the State Government in that behalf:

Provided that, the State Government may, by notification in the *Official Gazette*, exempt any Council from this provision.

(*7*) Where a Council has entered into any arrangement or made any promise, purporting to bind it or its successors for a term of years or for an unlimited period to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the Council or its successors, with the sanction of the State Government to cancel such arrangement or promise, or to discontinue, or to diminish, such yearly contribution, provided that it shall have given at least twelve months‘ notice of its intention so to do to the manager, or managers of such institution.

[2][**49A. Performance of functions by agencies.—** Where any duty has been imposed on, or any function has been assigned to a Council under this Act or any other law for the time being in force, or the Council has been entrusted with the implementation of a scheme,—

(*i*) the Council may either discharge such duties or perform such functions or implement such schemes by itself; or

(*ii*) subject to such directions as may be issued and the terms and conditions as may be determined by the State Government, cause them to be discharged, performed, or implemented by any agency:

Provided that, the Council may also specify terms and conditions, not in-consistent with the terms and conditions determined by the State Government for such agency arrangement.]

(2) *Special provisions for undertaking Water Supply Scheme*.

50. Obligation to prepare Water Supply Scheme and to make sufficient drinking water available within certain period.— (*1*) As soon as may be after the appointed day, but not later than one year from such day, every Council shall prepare a scheme for supply of protected drinking water to

1 Now *see* Code of Criminal Procedure, 1973 (II of 1974).

2 Section 49A was inserted by Mah. 41 of 1994, s. 136.

the inhabitants of its area, and shall, within five years from such day, execute the scheme and make protected drinking water available.

(*2*) The scheme shall be so prepared as to make available not less than seventy litres of water per day per head of the population within the municipal area.

(*3*) If a Council finds itself unable to investigate, to prepare plans and estimates and to execute the scheme, the Council may apply to the State Government for assistance within four months from the appointed day.

(*4*) The terms and conditions on which the State Government shall investigate, prepare plans and estimates and execute the scheme, shall be prescribed by rules made in this behalf.

[1][* * *]

(*7*) If a Council does not apply to the State Government for assistance under sub-section (*3*), it shall be presumed that the Council does not want such assistance and will prepare and execute the scheme on its own.

(*8*) On an application by a Council, and on sufficient and satisfactory reasons being shown, the State Government may extend the time limits prescribed in sub-sections (*1*) and (*3*). If within the period prescribed in sub-section (*1*) or (*3*) or within the extended period (if any), a Council fails to prepare or execute the scheme, it shall be presumed that the Council has committed default in performance of its duty under this Act.

[2][* * *]

(*10*) The provisions of sub-sections (*1*), (*2*), (*3*) and (*4*) shall not apply to any Council which on the appointed day is executing a scheme for supply of protected drinking water as required by sub-section (*2*).

(*11*) Nothing in this section shall apply to any Council which on the appointed day has in operation a scheme as required by sub-section (*2*).

(*12*) The provisions of this section shall apply also to every Council constituted after the appointed day, subject to the modification that any reference to the appointed day therein shall be construed as a reference to the date on which such Council is first constituted.

(3) *President and Vice-President.*

[3]**[51. Election of President.—** (*1*) Subject to the provisions of section 51-1A every Council shall have a President who shall be elected by the elected Councillors from amongst themselves.

(*2*) The Collector shall, within twenty-five days from the date on which the names of the Councillors elected to a Council are published or, as the case may be, first published under sub-section (*1*) of section 19, in the *Official Gazette*, convene a special meeting of the Councillors for election of a President:

Provided that, a meeting under this section shall not be held before the expiry of the term of office of the outgoing Councillors.

(*3*) The meeting called under sub-section (*2*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a Council when presiding over a meeting of the Council has, but shall not have the right to vote:

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

1 Sub-sections (*5*) and (*6*) were deleted by Mah. 15 of 2012, s. 3. 2 Sub-section (*9*) was deleted by Mah. 15 of 2012, s. 3.

3 Section 51 was substituted by Mah. 31 of 2006, s. 4.

(*4*) Any Councillor aggrieved by any decision of the Collector or such officer, accepting or rejecting any nomination paper, may, within forty-eight hours from intimation of such decision, present an appeal to the Regional Director of Municipal Administration concerned and simultaneously give notice of such appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving a reasonable opportunity of being heard to the parties concerned. The decision of the Regional Director on such appeal, and subject only to such decision (if any), the decision of the Collector or such officer, as the case may be, accepting or rejecting the nomination of candidate shall be final and conclusive and shall not be called in question in any Court.

(*5*) If, in the election of the President there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine.

(*6*) Any dispute regarding election of the President shall be referred to the State Government whose decision in that behalf shall be final.

(*7*) After election of the President, the Council shall continue its meeting for the purpose of [1][electing Vice-President.]

[2][* * *]

(*9*) If, there is a vacancy in the office of the President due to any reason whatsoever, then for subsequent election of a President, the same procedure as laid down in sub-sections (*2*) to (*6*) (both inclusive) shall apply except that the special meeting shall be called by the Collector within twenty-five days from the date on which the vacancy occurs.]

[3][(*10*) The subsequent election to the post of the President after expiry of the first term of the two and a half years of the President elected under the provisions of sub-section (*2*), shall be held within a period of eight days prior to the expiry of the said term of the earlier President:

Provided that, the newly elected President shall take charge on the last day of the term of the outgoing President or next day thereafter.]

[4]**[51A-1A. Direct Election of President.—**[5][(*1*) Notwithstanding anything contained in section 51, every Municipal Council, to which the general election is to be held after the date of the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act,

2022, subject to the provisions of section 51-1A, shall have a President who shall be elected by the persons whose names are included in the Municipal Council voters list prepared under section 11.]

(*2*) Every person qualified to be elected as a Councillor under section 15 shall be qualified to be elected as a President at an election.

(*3*) Election of the President shall be held simultaneously with the general elections of the Council and the procedure regarding holding of elections to the Council shall, *mutatis mutandis*, apply to such election.

(*4*) If at an election, no President is elected, a fresh election shall be held to elect a President, and if there is a failure to elect a President at the fresh election, such vacancy may, notwithstanding anything contained in this Act, be filled by election by the elected Councillors from amongst themselves.

(*5*) Any person elected under sub-section (*4*) or (*7*) shall be deemed to be duly elected at an election under this section.

1 These words were substituted for the words ―nominating councilors‖ by Mah. 36 of 2006, s. 2(*a*). 2 Sub-section (*8*) was deleted by Mah. 36 of 2006, s. 2(*b*).

3 Sub-section (*10*) was added by Mah. 15 of 2012, s. 4.

4 Section 51A-1A was inserted by Mah. 9 of 2017, s. 6.

5 Sub-section (*1*) was substituted by Mah. 41 of 2022, s. 2.

(*6*) If, in the election of the President, there is an equality of votes, the result of the election shall be decided by lots to be drawn by the State Election Commissioner or the officer appointed by him for the purpose.

(*7*) If, during the term of the elected Councillors, there is a vacancy in the office of the President due to any reason, the same procedure as provided in sub-sections (*1*) to (*6*) shall apply and such President shall remain in office only for the remainder of the term, for which his predecessor would have remained in office but for such casual vacancy:

Provided that, if a vacancy occurs, which is within six months prior to the date on which the term of office of the Elected Councillors expires, the same shall be filled in by election from amongst the elected Councillors.

(*8*) In case of a dispute regarding election of the President, the provisions of section 21 shall, *mutatis mutandis*, apply.

(*9*) [1][The President] shall convene first general meeting of the Council within twenty-five days from the date on which the name of the President and the elected Councillors is published in the *Official Gazette* after the general election of the Council and the President. The nomination of the Councillors under clause (*b*) of sub-section (*1*) of section 9 shall be made in the prescribed manner in this meeting.]

[2][Notwithstanding anything contained in sub-section (*3*) of section 51A, the President elected under section 51A-1A, shall have a second or casting vote.]

[3][* * *]

[4]**[51-1A. Reservation of office of President.—**[5][(*1*)] The offices of the President shall be reserved for the Scheduled Castes, the Scheduled Tribes, Women and the Backward Class of Citizens in the prescribed manner.]

[6][(*2*) Notwithstanding anything contained in the Maharashtra Municipal Councils, Nagar Panchayats (President Election) Rules, 1981, the roster relating to the reservation of the offices of the President in force on the 30th April 1999, shall be deemed to have been amended to provide for the extended tenure of the President as specified in section 52.]

[7][(*3*) Notwithstanding anything contained in the Maharashtra Municipal Councils and Nagar Panchayats (President Election) Rules, 1981, the roster relating to the reservation of offices of the President in force on the date of commencement of the Maharashtra Municipal Councils, *Nagar*

Panchayats and Industrial Townships (Second Amendment) Act, 2006 (Mah. XLVIII of 2006), shall be deemed to have been amended to give effect to the provisions of the term of office of the President, specified in section 52.]

[8]**[51-1B. Person contesting election for reserved office of President to submit Caste Certificate and Validity Certificate.—** Every person desirous of contesting election to the office of the President reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001):]

1 These words were substituted for the words ―The Collector‖ by Mah. 38 of 2018, s. 3(*i*). 2 This portion was added by Mah. 38 of 2018, s. 3(*ii*).

3 Section 51A-1B was deleted by Mah. 41 of 2022, s. 3.

4 Section 51-1A was inserted by Mah. 41 of 1994, s. 138.

5 Existing section 51-1A was re-numbered as sub-section (*1*) thereof by Mah. 2 of 2000, s. 2. 6 Sub-section (*2*) was added by Mah. 2 of 2000, s. 2.

7 Sub-section (*3*) was added by Mah. 48 of 2006, s. 2.

8 Section 51-1B was inserted by Mah. 7 of 2009, s. 14.

[1][2][Provided that, for the elections for the office of President for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 (Mah. XXI of 2018) and ending on the 30th June 2019, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination paper,—

(*i*) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and

(*ii*) an undertaking that, he shall submit, within a period of [3][twelve months] from the date of his election, the validity certificate issued by the Scrutiny Committee:]

Provided further that, if the person fails to produce the Validity Certificate within a period of [4][twelve months] from the date on which he is declared elected, his election shall be deemed to to have been terminated retrospectively and he shall be disqualified for being a President.]

[5][Provided also that, in respect of the undertaking filed by any person under clause (*ii*) of the the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018 (Mah. LXV of 2018), the period of ―six months‖ specified in such undertaking shall be deemed to have been substituted as ―twelve months‖].

[6]**[51A. Election of Vice-President.—** (*1*) Every Council shall have a Vice-President, who shall be elected by the elected Councillors from amongst themselves [7][in the special meeting convened under sub-section (*2*) of section 51.]

(*2*) The meeting to elect the Vice-President presided over [8][* * *] by the Collector or such officer as the Collector may nominate specially in this behalf, but the Collector or such other officer shall have no right to vote:

Provided that, notwithstanding anything contained in this Act or the rules made thereunder, for regulating the procedure at meetings (including the quorum thereat), the President or, as the case may be,

the officer, presiding over such meeting may, for sufficient reasons to be recorded in writing, refuse to adjourn such meeting.

(*3*) If, in the election of the Vice-President, there is equality of votes, the result of the election shall be decided by [9][* * *] the officer presiding over such meeting by drawing lots.

(*4*) The name of the Vice-President so elected shall be notified by the Collector, in the *Official Gazette*, within fifteen days from such election.

(*5*) Any dispute regarding the election of the Vice-President shall be referred to the State Government, whose decision thereon shall be final.

1 These provisos were added by Mah. 31 of 2012, s. 3.

2 This proviso was substituted by Mah. 21 of 2018, s. 7.

3 These words were substituted by Mah. 65 of 2018, s. 7(*a*) and shall be deemed to have been substituted with effect from 7th April 2015.

4 These words were substituted by Mah. 65 of 2018, s. 7(*b*), and shall be deemed to have been substituted from 7th April 2015.

5 This proviso was added by Mah. 65 of 2018, s. 7(*c*).

6 Section 51A was substituted by Mah. 17 of 2002, s. 2.

7 These words were substituted for the words ―in the first general meeting convened under sub-section (*9*) of section 51‖ by Mah. 36 of 2006, s. 3(*a*).

8 The words ―by the President and is there no President then‖ were deleted by Mah. 36 of 2006, s. 3(*b*).

9 The words ―the President or‖ were deleted by Mah. 36 of 2006, s. 3(*c*).

(*6*) Subject to the provisions of section 55A and other provisions of this Act, the Vice-President shall hold the office, for term of [1][two and half years] from the date of his election.

[2][(*6A*) In respect of the Councils to which the President is directly elected [3][after the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022 (Mah. XLI of 2022)], the provisions of this section shall apply with the following modifications :—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely :—

―(*1*) Every Council shall have a Vice-President, who shall be elected by the elected Councillors amongst themselves in the first general meeting convened under sub-section (*9*) of section 51A-1A‖.

(*ii*) for sub-section (*6*), the following sub-section shall be substituted, namely :—

(*6*) Subject to the provisions of section 55A and other provisions of this Act, the Vice-President shall hold the office for a term of five years from the date of his election and his term shall be co-terminus with the term of the Council.‖]

[4][* * *]

[5][(*7*) If there is any vacancy in the office of the Vice-President for any reason whatsoever, the vacancy shall be filled up by following the procedure prescribed in sub-sections (*1*) to (*3*) and the Vice-President so elected shall remain in office only for the remainder of the term, for which his predecessor would have remained in office but for such vacancy.]

[6]**[51B. Nomination of Councillors.—** (*1*) The Collector shall, within seven days from the date of election of the President call a special meeting for the purpose of nominating Councillors.

(*2*) The nomination of the Councillors under clause (*b*) of sub-section (*1*) of section 9, shall be made in the prescribed manner.

(*3*) The meeting called under sub-section (*1*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a Council when presiding over a meeting of the Council has, but shall not had the right to vote:

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.]

7[(*4*) The provisions of this section shall not apply when the President is elected under section 51A-1A.]

8**[52. Term of office of President.—** The term of office of the President shall be five years from the date of his election and his term shall be co-terminus with the term of the Council:

Provided that, nothing in this section shall apply to the President who is holding the office in respect of the Council for which general elections have been held prior to the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022 (Mah. XLI of 2022), and the provisions of this section, as it existed on the date immediately

1 This words were substituted for the words ―one year‖ by Mah. 48 of 2006, s. 3(*a*).

2 Sub-section (*6A*) was inserted by Mah. 9 of 2017, s. 7.

3 These words and figures were substituted for the words and figures ―after the commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016 (Mah. IX of 2017)‖ by Mah. 41 of 2022, s. 4(*1*).

4 Sub-section (*6B*) was deleted by Mah. 41 of 2022, s. 4(*2*).

5 Sub-section (*7*) was substituted by Mah. 48 of 2006, s. 3(*b*).

6 Section 51B was inserted by Mah. 36 of 2006, s. 4.

7 Sub-section (*4*) was inserted by Mah. 9 of 2017, s. 8.

8 Section 52 was substituted by Mah. 41 of 2022, s. 5.

preceding the date of such commencement, shall continue to apply in respect of the term of office of such President.]

1[(*2*) Notwithstanding anything contained in sub-section (*1*), the term of office of the President, elected under sub-section (*1*) of section 51A-1A, shall be of five years and shall be co-terminus with the term of the Council.

(*3*) Nothing in sub-section (*2*) shall apply to the term of office of the Presidents who are holding the office in respect of the Council for which general elections have been held prior to the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016 (Mah. IX of 2017) and the provisions of this section, as it existed on the date immediately preceding such date of commencement, shall continue to apply in respect of the term of office of such Presidents.]

2[(*4*) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats Panchayats* and Industrial Townships (Second Amendment) Act, 2020 (Mah. XII of 2020), the term of office of the President elected in accordance with section 51A-1B under section 51 shall be such as provided in sub-section (*1*) of this section.]

53. Resignation of President.— (*1*) The President may resign his office by tendering his resignation in writing to the Collector.

(*2*) Such resignation shall take effect on the receipt thereof by the Collector.

3**[54. Resignation of Vice-President.—** (*1*) The Vice-President may resign his office by tendering his resignation in writing to the President.

(*2*) Such resignation shall take effect on the receipt thereof by the President.]

4**[**5**[55. Removal of President by Councillors.—** (*1*) The requisition for removal of the President President elected under section 51 shall be signed by not less than one-half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector:

Provided that, no such requisition shall be sent within a period of one year from the date of election of such President.

(*2*) Upon receipt of the requisition under sub-section (*1*), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition:

Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons.

(*3*) The Collector shall submit the findings of such enquiry to the Government for taking appropriate action under section 55A.]

[6][**55-1. Removal of President directly elected under section 51A-1A.—** (*1*) The requisition for removal of the President directly elected under section 51A-1A shall be signed by not less than one half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector:

1 Sub-sections (*2*) and (*3*) were added by Mah. 9 of 2017, s. 9.

2 Sub-section (*4*) was inserted by Mah. 12 of 2020, s. 5.

3 Section 54 was substituted for the original by Mah. 47 of 1973, s. 14.

4 Sections 55 and 55A were substituted for section 55 by Mah. 19 of 1981, s. 11. 5 Section 55 was substituted by Mah. 12 of 2020, s. 6.

6 Section 55-1 was substituted by Mah. 25 of 2018, s. 4.

Provided that, no such requisition shall be sent within a period of two and half years from the date of election of such President.

(*2*) Upon receipt of the requisition under sub-section (*1*), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition:

Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons.

(*3*) The Collector shall submit the findings of the enquiry to the Government for taking appropriate action under section 55A.]

[1][**55-1A. Removal of Vice-President by Councillors.—** (*1*) A Vice-President shall cease to be the Vice-President, if the Council by a resolution passed by a majority of not less than two-thirds of the total number of the Councillors, at a special meeting, so decides:

Provided that, no such resolution shall be moved within a period of six months from the date of election of the Vice-President.

(*2*) The requisition for such special meeting shall be signed by not less than one-half of the total number of Councillors and shall be sent to the President, and the President shall, within ten days of the receipt of such requisition, convene a special meeting of the Council, where the nominated Councillors shall have no right to vote.

(*3*) If the resolution seeking removal of the Vice-President is not moved or as the case may be, rejected, in the special meeting convened for the purpose under sub-section (*2*), no fresh resolution for such removal shall be brought during the tenure of such Vice-President.]

55A. Removal of President and Vice-President by Government.— Without prejudice to the provisions of sections [2][55-1A] and 55, a President or a Vice-President may be removed from office by the State Government for misconduct in the discharge of his duties, or for neglect of, or incapacity to perform, his duties or for being guilty of any disgraceful conduct, and the President or Vice-President so removed shall not be eligible for re-election or re-appointment as President or Vice-President, as the case may be, during the remainder of the term of office of the Councillors:

Provided that, no such President or Vice-President shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation]:

[3][Provided further that, the Government shall take a decision on the report submitted by the Collector under section 55-1, within a period of six months from the date of receipt of the report.]

[4]**[55B. Disqualification for continuing as Councillor or becoming Councillor on removal as President or Vice-President.—** Notwithstanding anything contained in section 55A, if a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties or being guilty of any disgraceful conduct while holding or while he was holding the office of the President or Vice-President, as the case may be, the State Government may,—

(*a*) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor and also for being elected as a Councillor, till the period of six years has elapsed from the order of such disqualification;

(*b*) disqualify such person for being elected as a Councillor till the period of six years has elapsed from the order of such disqualification.]

56. Consequences of absence of President or Vice-President without leave.— (*1*) Every President or Vice-President who absents himself from the municipal area—

1 Section 55-1A was inserted by Mah. 17 of 2002, s. 3.

2 This word, figures and letter were substituted for the figures and letter ―51A‖ by Mah. 17 of 2002, s. 4. 3 This proviso was added by Mah. 25 of 2018, s. 5.

4 This section was inserted by Mah. 11 of 1996, s. 12.

(*a*) for a period exceeding three months at a time unless leave so to absent himself has been granted by the Council, or

(*b*) for an aggregate period exceeding six months during a year whether or not leave for such absence has been granted by the Council, shall cease to be President or Vice-President, as the case may be.

(*2*) Leave under clause (*a*) of sub-section (*1*) shall not be granted for a period exceeding six months during one year. Whenever leave is granted to a Vice-President, [1][the President shall appoint, within seven days from the date on which leave is granted, another elected Councillor] to perform all the duties and exercise all the powers of the Vice-President, during the period for which such leave is granted.

(*3*) In every case the authority competent to decide whether a President or a Vice-President has ceased to be President or Vice-President under this section, shall be the Collector. The Collector may give his decision either on an application made to him by any voter or on, his own motion. Such decision shall be communicated to the President or Vice-President concerned, the Chief Officer and the applicant, if any. Until the Collector decides that a vacancy has arisen and such decision is communicated as provided above, the President or Vice-President shall not be deemed to have ceased to be President or Vice-President, as the case may be:

Provided that, no order shall be passed by the Collector against any President or Vice-President under this section without giving him a reasonable opportunity of being heard.

(*4*) Any person aggrieved by the decision of the Collector may, within a period of fifteen days from the date of communication of such decision, appeal to the State Government and the decision of the State Government on such appeal shall be final.

[2]**[57. President or Vice-President to hand over charge.—** (*1*) On the election of a new President, the retiring President shall hand over charge of his office to the new President.

(*2*) Every President, who resigns his office or is removed from office or ceases to be President for any reason other than election of a new President, shall hand over charge of his office [3][to the Vice-President, or if the post of Vice-President is also vacant or he cannot perform his duties as Vice-President,

for whatever reason, then to the Collector or other suitable officer appointed by the Collector in this behalf.]

(*3*) Every Vice-President, who ceases to be Vice-President for any reason, shall hand over charge of his office to the President, and if the office of the President is vacant, to the Collector or any officer appointed by the Collector in this behalf.

(*4*) If any President or Vice-President refuses to hand over charge of his office as required under sub-section (*1*), (*2*) or (*3*), the Collector may, by order in writing, direct him to hand over charge of his office and all papers and property of the Council, if any, in his possession as such President or Vice-President, to the person specified in sub-section (*1*), (*2*) or (*3*), as the case may be, and such President or Vice-President shall forthwith comply with such direction.

(*5*) If any President or Vice-President to whom a direction has been issued under sub-section (*4*) does not comply with such direction, he shall on conviction, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two thousand rupees, or with both].

58. Functions of President.— (*1*) Subject to the provisions of this Act and of any rules and by-laws framed thereunder, the President of a Council shall—

1 These words were substituted for the words ―a Councillor shall be elected by the Councillors from amongst their number‖ by Mah. 47 of 1973, s. 16.

2 Section 57 was substituted for the original by Mah. 47 of 1973, s. 17.

3 This portion was substituted for the words beginning with the words ―to the collector‖ and ending with the words ―in this behalf‖ by Mah. 15 of 2012, s. 5.

(*a*) preside, unless prevented by reasonable cause, at all meetings of the Council and regulate the conduct of business at such meetings;

[1][* * *]

[2][* * *]

(*c*) perform such executive functions or exercise such powers as are conferred upon him by or under this Act or any other law for the time being in force;

[3][* * *]

[4][* * *]

[5][(*1A*) Subject to the provisions of this Act and of any rules and bye-laws framed thereunder, [6][the President elected in accordance with section 51 or as the case may be, the President directly elected under section 51A-1A shall have power to give the financial sanction to such proposal of development works as may be specified by the State Government by order, from time to time] and development works out of grants received from the State Government, when there are no specific instructions regarding financial approval and the Council has discretion to select the work.]

(*2*) The President may, in cases of emergency, direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Council and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the municipal fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the Council prohibiting the execution of any particular work or the doing of any particular act; and

(*b*) he shall report forthwith the action taken under this section and the reasons therefor to the Standing Committee and the Council at their respective next meeting;

[7][(*c*) he shall not, while acting under sub-section (*2*),—

(*i*) appoint any new employees in the Council;

(*ii*) sanction any monetary contribution to any organisation;

(*iii*) allot any contract for works, which is of routine nature;

(*iv*) sanction sale of any municipal property, increase the lease period of any property or acquire any new properties for the Council by purchase or by lease; and that all these matters shall be regulated strictly in accordance with the provisions of this Act and the rules.]

59. Functions of Vice-President.— (*1*) It shall be the duty of the Vice-President of a Council—

(*a*) in the absence of the President and unless prevented by reasonable cause, to preside at the meetings of the Council;

[8][* * * *]

(*c*) to exercise such of the powers and perform such of the duties of the President as the President may from time to time depute to him;

1 Clause (*b*) was deleted by Mah. 25 of 2018, s. 6(*a*)(*i*).

2 Clause (*bb*) was deleted by Mah. 17 of 2002, s. 5.

3 Clause (*d*) was deleted by Mah. 25 of 2018, s. 6(*a*)(*ii*).

4 Clause (*e*) was deleted by Mah. 25 of 2018, s. 6(*a*)(*iii*) .

5 Sub-section (*1A*) was inserted by Mah. 25 of 2018, s. 6(*b*).

6 These words were substituted for the words beginning with the words ―the President directly elected‖ and ending the words ―from time to time‖ by Mah. 12 of 2020, s. 7.

7 This clause was inserted by Mah. 18 of 1993, s. 9(*b*).

8 Clause (*b*) was deleted by Mah. 47 of 1973, s. 19.

(*d*) during the absence of the President to exercise the powers and to perform the duties of the President.

(*2*) The Vice-President shall be the *ex-officio* Chairman of such one of the Subjects Committees, if any, as the Council may determine.

[1]**[60. Simultaneous vacancy in the offices of President and Vice-President.—** In the event of the offices of the President and the Vice-President becoming vacant simultaneously due to any reason, the Chief Officer shall report to the Collector, and pending the election of a new President, the powers and duties, of the President shall be exercised and performed by the Collector or such other officer as Collector may appoint in this behalf except that he shall have no right to vote. Any officer appointed by the Collector shall receive such remuneration from the municipal funds as the Collector may determine.]

61. Honorarium or sumptuary allowance to President and meeting allowance to Councillors.— [2][(*1*) There shall be paid to the President such honoraria and allowances, as the State Government may, from time to time, by an order determine.]

[3][(*2*) A Council shall pay to each Councillor including the President a meeting allowance for attending the meetings of the Council, Standing Committee, Subject Committee or Special Committee at such rate per meeting as may be prescribed.]

Explanation.— If a Councillor is required to attend more than one such meeting on any day, he shall be entitled to draw the meeting allowance as if he had attended only one meeting on that day.

(*3*) Notwithstanding anything contained in section 16 or 44, the receipt by any person of any honorarium, sumptuary allowance or meeting allowance as aforesaid shall not disqualify him from becoming, or continuing as Councillor.

(*4*) *Committees*.

62. Appointment of Standing Committees and Subjects Committees of 'A' and 'B' Class Councils.— For every ‗A' and ‗B' Class Councils, there shall be a Standing Committee and the following [4][six] Subjects Committees :—

(*i*) Public Works Committee,

(*ii*) [5][Education, Sports and Cultural Affairs,]

(*iii*) Sanitation, Medical and Public Health Committee,

(*iv*) Water Supply and Drainage Committee,

(*v*) Planning and Development Committee,

[6][(*vi*) Women and Child Welfare Committee.]

[7][If any such Council has acquired or established a Transport Undertaking, it may, with the previous approval of the State Government, appoint an additional Subjects Committee by the name of Transport Committee.]

63. Constitution of Subjects Committees of 'A' and 'B' Class Councils.— (*1*) Each Subjects Committee of the Council appointed under the last preceding section shall consist of such number of Councillors as the Council may determine, so however that the number of members of a Subjects Committee shall not be less than one-fourth or more than one-third of the total number of Councillors:

1 Section 60 was inserted by Mah. 19 of 1981, s. 12.

2 Sub-section (*1*) was substituted by Mah. 22 of 2007, s. 2.

3 Sub-section (*2*) was substituted by Mah. 15 of 2012, s. 6.

4 This word was substituted for the word ―five‖ by Mah. 21 of 1992, s. 33(*a*). 5 These words were substituted for the word ―Education‖ by Mah. 15 of 2012, s. 7. 6 This clause was inserted by Mah. 15 of 2012, s. 33(*b*).

7 This portion was added by Mah. 14 of 1966, s. 3.

Provided that, in so determining the number of the members of and Subjects Committee, a fraction shall be ignored:

[1][Provided further that, on the Women and Child Welfare Committee, not less than seventy-five per cent. of the members shall be from amongst women Councillors:

Provided also that, the Chairperson and the Deputy Chairperson on the Women and Child Welfare Committee shall be from amongst the women Councillor members thereof.

Explanation.— For the purpose of computing the number of members at seventy-five per cent., fraction, if any, shall be rounded off to one.]

(*2*) [2][The Collector shall, within seven days of the election of the President under section 51,] call a special meeting of the Council for the purpose of,—

(*a*) determining the number of the members of each of the [3][* *] Subject Committees referred to in the last preceding section, and the Subjects Committee of which the Vice-President shall be the *ex-officio* Chairman, and

[4][(*b*) nominating Councillors on the Subjects Committees in accordance with the provisions of sub-section (*2B*):]

Provided that, the President shall not be eligible for being a member of any of the Subjects Committees [5][but he shall have the right to speak in, and otherwise to take part in the proceedings of, any Subjects Committee, except that he shall not be entitled to vote thereat.]

[6][(*2A*) [7][(*i*)] The meeting called under sub-section (*2*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting have the same powers as the President of a Council, when presiding over a meeting of the Council has, but shall not have the right to vote.

[8][(*ii*) Notwithstanding anything contained in this Act, for regulating the procedure at meetings (including the quorum thereat), the Collector or such officer may, for reasons which in his opinion are sufficient, refuse to adjourn the meeting convened as per the provisions of sub-section (*2*), after it was once cancelled or adjourned for want of quorum.]

[9][(*2B*) In nominating the Councillors, the Collector shall take into account the relative strength of recognised parties or registered parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties or groups in the Council, after consulting the leader of each such party or group:

[10][Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in

1 This provisos and the *Explanation* were inserted by Mah. 21 of 1992, s. 24.

2 This portion was substituted for the words ―the President shall within seven days of his election under section 51‖ by Mah. 11 of 1983, s. 6(*a*).

3 The word ―five‖ was deleted by Mah. 14 of 1966, s. 4(*a*).

4 Clause (*b*) was substituted by Mah. 36 of 2006, s. 5(*i*).

5 These words were substituted for the portion beginning with ―but shall have the right‘‘ and ending with ―its deliberations‖ by Mah. 4 of 1974, s. 12(*a*).

6 Sub-sections (*2A*) and (*2B*) were inserted by Mah. 11 of 1983, s. 6(*b*).

7 Sub-section (*2A*) was renumbered as clause (*i*) thereof by Mah. 15 of 2012, s. 8.

8 Clause (*ii*) was added by Mah. 15 of 2012, s. 8.

9 Sub-sections (*2B*) and (*2C*) were substituted for sub-section (*2B*), (*3*), (*3A*) and (*3B*) by Mah. 36 of 2006, s. 5(*ii*). 10 This proviso was substituted by Mah. 17 of 2012, s. 13.

the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted:]

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this sub-section, the recognised parties or registered parties or groups, or elected Councillor not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members‘ Disqualification Act, 1986 (Mah. XX of 1987), within a period of not more than one month from the date of notification of election results, form the *aghadi* or front and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as if it is a pre-poll *aghadi* or front.

(*2C*) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Collector shall be final.]

(*4*) The Chairman of every Subjects Committee (other than the Subjects Committee of which the Vice-President is to be the *ex-officio* Chairman) shall be elected by the members of that Committee at the meeting convened under sub-section (*2*):

Provided that, no Councillor shall be eligible to be the Chairman of more than one Subjects Committee.

64. Constitution of Standing Committees of ‘A’ and ‘B’ Class Councils.— The Standing Committee referred to in section 62 [1][shall be constituted as under :—]

(*i*) Chairman—President of the Council.

(*ii*) Members—

(*a*) Chairman of [2][all Subject Committees];

(*b*) three members from amongst the Councillors [3][nominated] in the same manner as prescribed for [4][nomination] of members of the Subjects Committees:

Provided that, no Councillor who is already [5][nominated] as a member of more than one Subjects Committee, shall be eligible to be a member of the Standing Committee.

65. Standing and Subjects Committees for 'C' Class Councils.— (*1*) Every ‗C' Class Council shall appoint a Standing Committee and may appoint such Subjects Committees [6][(including a Women Women and Child Welfare Committee)] as it may deem, necessary.

(*2*) The Standing Committee shall consist of such number of members as the Council may determine, so however that the number of members so determined shall not exceed one-third of the total number of Councillors:

Provided that, in so determining the number of the members of the Standing Committee a fraction shall be ignored.

(*3*) If the Council decides to appoint any Subjects Committee, such Committee shall consist of not more than five members, as it may determine.

[7][(*3A*) Notwithstanding anything contained in sub-section (*3*), the Women and Child Welfare Committee shall consist of such number of members as the Council may determine, so however that the number of members so determined shall not exceed one-fourth of the total number of Councillors:

Provided that, on the said Committee, not less than seventy-five per cent. of the members shall be from amongst women Councillors:

1 These words were substituted for the words ―shall consist of nine members as under:—‖ by Mah. 14 of 1966, s. 5(*a*). 2 These words were substituted for the words ―the five Subjects Committees‖ by Mah. 14 of 1966, s. 5(*d*).
3 This word was substituted for the word ―elected‖ by Mah. 36 of 2006, s. 6(*i*).
4 This word was substituted for the word ―election‖ by Mah. 36 of 2006, s. 6(*ii*).
5 This word was substituted for the word ―elected‖ by Mah. 36 of 2006, s. 6(*i*).
6 These brackets and words were inserted by Mah. 21 of 1992, s. 25(*a*).
7 This sub-section was inserted by Mah. 21 of 1992, s. 25(*b*).

Provided further that, the Chairperson and the Deputy Chairperson on the Women and Child Welfare Committee shall be from amongst the Women Councillor members thereof.

Explanation.— For the purpose of computing the number of members at seventy-five per cent. fraction, if any, shall be rounded off to one.]

(*4*) [1][The Collector shall, within seven days of the election of the President under section 51] call a special meeting of the Council for the purpose of,—

(*a*) determining the number of members of the Standing Committee;

(*b*) determining the Subjects Committee or Committees, if any, to be appointed, and the number of members of each such Committee, and if more than one such Committee are to be appointed, the Subject Committee of which the Vice-President shall be the *ex-officio* Chairman;

(*c*) [2][nominating members on the Standing Committee and the Subjects Committee or Committees, if any, in the manner laid down in clause (*b*) of sub-section (*2*) of section 63:

[3][Provided that, the President shall not be eligible for being a member of any of the Subjects Committees, but he shall have the right to speak in, and otherwise to take part in the proceedings of, any Subjects Committee, except that he shall not be entitled to vote thereat.]

[4][(*4A*) The meeting called under sub-section (*4*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting have the same powers as the President of a Council, when presiding over a meeting of the Council has, but shall not have the right to vote.

(*4B*) Any Councillor aggrieved by any decision of the Collector or such officer accepting or rejecting any nomination paper, may, within forty-eight hours from intimation of such decision, present an appeal to the Regional Director of Municipal Administration concerned and simultaneously give notice of such

appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving reasonable opportunity of being heard to the parties concerned. The decision of the Regional Director on such appeal and subject only to such decision (if any) the decision of the Collector or such officer, as the case may be, accepting or rejecting the nomination of a candidate, shall be final and conclusive and shall not be called in question in any Court.]

(*5*) If more than one Subjects Committee are to be appointed, the Chairman of the Subjects Committee, other than that of which the Vice-President is to be the *ex-officio* Chairman, shall be elected by the members thereof, at the meeting convened under sub-section (*4*).

66. Constitution of Standing Committee of 'C' Class Councils.— The Standing Committee referred to in sub-section (*1*) of the last preceding section shall consist of—

(*a*) the President of the Council as the Chairman;

(*b*) the Chairman or Chairmen of the Subjects Committees, if any, appointed under clause (*b*) of sub-section (*4*) of that section; and if no such Subjects Committee is appointed the Vice-President, as the member or members; and

[5][(*c*) such other members nominated by the Collector, in the manner laid down in sub-section (*2B*) of section 63, so however that the total members of the Standing Committee shall not exceed the number determined under clause (*a*) of sub-section (*4*) of the said section:

Provided that, no Councillor shall be eligible to be a member of the Standing Committee, if he is already nominated as a member of more than one Subjects Committee].

1 This portion was substituted for the words and figures ―The President shall, within seven days of his election as President under section 51‖ by Mah. 11 of 1983, s. 7(*a*).

2 These words were substituted for the words ―holding elections to‖ by Mah. 36 of 2006, s. 7. 3 This proviso was added by Mah. 4 of 1974, s. 13(*a*).

4 Sub-section (*4A*) and (*4B*) were inserted by Mah. 11 of 1983, s. 7(*b*).

5 Clause (*c*) was substituted by Mah. 36 of 2006, s. 8.

[1]**[66A. Constitution of Wards Committees.—** (*1*) Where the population of a municipal area is above three lakhs there shall be constituted three Wards Committees each comprising such contiguous electoral wards as may be decided by the Council.

(*2*) Each Wards Committee shall consist of—

(*a*) the Councillors representing the wards within the territorial area of the Wards Committee;

(*b*) the officer-in-charge of the territorial area of the Wards Committee;

(*c*) such number of other members, not exceeding three, nominated by the Councillors referred to in clause (*a*), from amongst the members of recognised Non-Government Organisations and community based organisations engaged in social welfare activities working within the area of the Wards Committee:

Provided that, such persons are registered as electors in the wards within the jurisdiction of the Wards Committee:

Provided further that, the norms for recognition of the Non-Government Organisations, the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the State Government may prescribe.

(*3*) The duration of the Wards Committee shall be co-terminus with the duration of the Council.

(*4*) The elected Councillors referred to in clause (*a*) of sub-section (*2*) shall at the first meeting of the Wards Committee in each official year, elect from amongst themselves the Chairperson who shall hold office until the first meeting in the next following official year.

(*5*) The Chairperson of the Wards Committee shall be deemed to have vacated the office as soon as he ceases to be a Councillor.

(*6*) In the event of the office of the Chairperson falling vacant before the expiry of its term, the Wards Committee shall elect a new Chairperson:

Provided that, the Chairperson so elected shall hold office so long only as the Chairperson in whose place he is elected would have held office if such vacancy had not occurred.

(*7*) The functions of the Wards Committee shall, subject to the general supervision and control of the Council, be—

(*a*) the speedy redressal of common grievances of citizens connected with local and essential municipal services like water supply, drainage, sanitation and storm water disposal;

(*b*) to consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of account of the budget before being forwarded to the President;

(*c*) to grant administrative approval and financial sanction to the plans or municipal works to be carried out within the territorial area of the Wards Committee costing upto rupees twenty thousand provided that specific provision exists therefor in the budget sanctioned by the Council.

(*8*) Notwithstanding anything contained in sub-section (*7*), the Council may, by resolution, delegate to a Wards Committee such other powers, authority and functions as it may deem fit and expedient.

(*9*) The Wards Committee shall meet at least once in every month at the ward office.]

67. Special Committees.— A Council may from time to time appoint Special Committees consisting of such Councillors and for such duration as it may determine, and may refer to such Committees, such special subject or matters relating to the purposes of this Act, for opinion or inquiry and report, as the Council may think fit. The Council may at any time discontinue or alter the

1 Section 66A was inserted by Mah. 41 of 1994, s. 143.

constitution of any such Committee. Such Committee may be directed by the Council to submit its report or opinion, either to the Council, the Standing Committee or any of its Subjects Committees.

1[Where the President is not a member of any Special Committee, he shall have the right to speak in and otherwise to take part in the proceedings of that Committee, except that he shall not be entitled to vote thereat.]

68. Term of office of Chairman and members of Standing and Subjects Committees.— (*1*) The term of office of the Chairman of the Standing Committee shall be co-terminus with his term of office as President.

(*2*) The term of office of the Chairman of a Subject Committee of which the Vice-President is the *ex-officio* Chairman shall be co-terminus with his term of office as Vice-President.

2(*3*) The term of office of the Chairman of other Subjects Committees and of the members of the Standing Committee and all Subjects Committees shall be one year or for the residue of their term as Councillors, whichever is less, but each of them shall be eligible for re-election:

Provided that, if any such Chairman absents himself from the municipal area for an aggregate period exceeding six months during the year, whether with or without leave of the Council, he shall cease to be the Chairman.

69. Casual vacancies in Committees of the Council.— A vacancy occurring in any committee of a council due to any reason whatsoever, shall, as soon as possible, be filled up by the election of a member thereto, subject to the same provisions as those under which the member whose place is to be filled up, was elected.

70. Functions and powers of Standing Committees and Subjects Committees.— Each Council shall make by-laws to provide for the following matters :—

(*a*) allotment of subjects to the Standing Committee and the Subjects Committees (if any):

Provided that, [3][the subject of finance and welfare of conservancy staff and where a Transport Committee is not appointed the subject of transport undertaking also, shall be allotted to the Standing Committee,] and the subjects of fairs and pilgrims to the Sanitation, Medical and Public Health Committee, and where such Committee is not appointed to the Standing Committee;

1 This portion was added by Mah. 4 of 1974, s. 14.

2 Section 26 of Mah. 21 of 1992, reads as under :—

—26. Reconstitution of Committees.— Where, by virtue of the amendments made to the relevant municipal law whereby the number of member on various committees of the Municipal Corporation or, as the case may be, the Municipal Council has been increased, arrangements shall, as soon as may be practicable, be made to reconstitute the committees with the increased number of its members, and notwithstanding anything contained in the relevant municipal law,—

(*a*) the term of office of the members who come to hold office as such members against the increased number of members on the committee shall expire with the expiry of term of office of the members holding office as such member on the committee on the date of its reconstitution as aforesaid;

(*b*) no act or proceeding of any committee shall be deemed to be invalid at any time merely on the ground that no members against the increased seats were available to take office during the period from the date of commencement of this Act and ending on the date of reconstitution of the committee; and

(*c*) the validity of such act or proceeding shall not be questioned in any court or before any authority or officer merely on the ground aforesaid.

Explanation.— The expression ―relevant municipal law‖,—

(*a*) in relation to the Municipal Corporation of Greater Bombay means, the Bombay Municipal Corporation Act (Bom. III of 1888);

(*b*) in relation to the Corporation of the City of Nagpur means, the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950);

(*c*) in relation to the Municipal Corporation of any other City means, the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) ;

(*d*) in relation to a Municipal Council means, the **Maharashtra Municipalities Act, 1965 (Mah. XL of 1965)‖.

**Now the Maharashtra Municipal Councils, Nagpur Panchayats and Industrial Townships Act, 1965.

3 This portion was substituted for the words ―the subjects of transport undertaking, finance and welfare of conservancy staff shall be allotted to the Standing Committee‖ by Mah. 14 of 1966, s. 6.

(*b*) extent of powers of the Council under this Act or any other law for the time being in force to be exercised by the Standing Committee, and the Subjects Committee (if any), in respect of the subjects allotted to such Committees.

71. By-laws under section 70 subject to Director's previous approval.— Notwithstanding the provisions of section 322, the by-laws made in accordance with the last preceding section shall be subject to the previous approval of the Director also.

[1]**[71A. Powers and functions of Standing Committee or Special Committee to be exercised or performed by Council or Special Subjects Committee, if necessary.—** If for any reason the Standing Committee or any Subjects Committee is unable to exercise any powers or to perform any duties and functions conferred or imposed on it by or under this Act, the Council may, with the previous sanction of the Director, exercise such powers or perform such duties and functions or may, with like sanction, appoint a Special Subjects Committee and direct that the powers and duties and functions of the Standing Committee or the Subjects Committee, as the case may be, shall be exercised or performed by such Special Subjects Committee.]

[2]**[72. Limits of powers of Committees and Council in respect of financial sanction.—** The powers of financial sanction of the Standing Committees and the Subjects Committees of different classes of municipal councils shall not exceed such limits as may be prescribed:

Provided that, the Standing Committee or the Council shall not sanction any project or scheme involving construction such as a road, bridge, building or water supply or drainage scheme costing over such amount as may be prescribed, unless prior technical sanction therefor is obtained from such officer of the State Engineering Service, as the State Government may designate; or where the Council has

appointed a Municipal Engineer or a Water Works Engineer referred to in sub-section (*2*) of section 75 and such Engineer is recognized by the State Government in this behalf, unless prior technical approval therefor is obtained from such Engineer.]

73. Subordination of Committees to Council.— (*1*) All Subjects Committees shall be subordinate to the Standing Committee in addition to the Council.

(*2*) The Standing Committee shall be subordinate to the Council.

(*3*) The Subjects Committees shall report all their decisions as soon as may be to the Standing Committee for information.

(*4*) The Standing Committee shall report as soon as may be all its decisions, including its decision on the decisions of the Subjects Committees, to the Council, for its information.

(*5*) If the directions of the Council to a Subjects Committee conflict with the directions of the Standing Committee to that Subjects Committee, the directions of the Council shall in all cases prevail.

CHAPTER IV

DIRECTOR OF MUNICIPAL ADMINISTRATION AND COLLECTOR

74. Appointment of Director and Regional Directors of Municipal Administration and their powers and the powers of the Collector.— (*1*) The State Government shall by notification in the *Official Gazette*, appoint a Director of Municipal Administration. His jurisdiction shall extend to the entire State. The State Government may, by like notification appoint Regional Directors of Municipal Administration, who shall have jurisdiction over such area of the State as the State Government may, from time to time, specify.

(*2*) The Director, and the Collector of each district, shall exercise such powers and perform such duties as are conferred and imposed upon them by this Act or any rule made thereunder. The State Government may, by notification in the *Official Gazette*, direct that any power (except the power to make rules) or duty which by this Act or by any rule made thereunder is conferred or imposed upon it

1 Section 71A was inserted by Mah. 45 of 1975, s. 5.

2 Section 72 was substituted by Mah. 15 of 2012, s. 9.

shall, in such circumstances and under such conditions, if any, as may be specified, be exercised or performed also by the Director or the Collector.

(*3*) Each Regional Director, and each [1][District Administration Officer,] shall within his respective jurisdiction be competent to exercise any of the powers and to perform any of the duties conferred and imposed upon, or delegated to, the Director and the Collector, respectively:

Provided that, the Director or, as the case may be, the Collector, may, subject to the general or special orders of the State Government reserve to himself such powers and duties as he may, by order, specify in this behalf.

(*4*) In exercising their powers and performing their duties, the Regional Director and [2][the District Administration Officer] shall be subject to the control and supervision of the Director and the Collector, respectively.

CHAPTER V

PROVISIONS REGARDING OFFICERS AND SERVANTS

75. Appointment of Chief Officer, Engineer, Water Works Engineer, Health Officer, Auditor, [3][Education Officer and Fire Officer] and certain other officers.—[4][(*1*) There shall be a Chief Officer for every Council who shall be an officer deputed by the State Government to the Municipal Council from the cadre of Chief Officers or any other officer holding equivalent post in the State Government appointed on deputation.]

[5][(*1A*) The State Government may create a post of Additional Chief Officer in A-Class Municipal Councils and appoint a suitable person on that post, who shall, subject to the control of the Chief Officer, exercise all or any of the powers and perform all or any of the duties and functions of the Chief Officer, as may be specified by the Collector.

(*1B*) Every person so appointed as an Additional Chief Officer shall be subject to the same liabilities, restrictions and terms and conditions of service which the Chief Officer is subjected to as per the provisions of this Act.]

(*2*) A Council may, with the sanction of the Director, and if so required by the State Government, shall create all or any of the following posts, namely :—

(*i*) a Municipal Engineer;

(*ii*) a Water Works Engineer;

(*iii*) a Municipal Health Officer;

(*iv*) a Municipal Auditor;

(*v*) a Municipal Education Officer;

[6][(*va*) Municipal Fire Officer;]

[7][(*vi*) an Assessor and Collector of Taxes;]

[8][(*vii*)] any other Officer as may be designated by the State Government in this behalf.

(*3*) [9][Subject to the provisions of section 75A, the qualifications], pay, allowances and other conditions of service and the method of recruitment of the officers specified in [10][sub-sections (*1*) and (*1A*) and (*2*)] shall be regulated by rules made by the State Government in this behalf.

1 These words were substituted for the words ―Assistant and Deputy Collector‖ by Mah. 25 of 2018, s. 7(*a*).

2 These words were substituted for the words ―the Assistant and Deputy Collectors‖ by Mah. 25 of 2018, s. 7(*b*). 3 These words were substituted for the words ―and Education Officer‖ by Mah. 26 of 1990, s. 3(*b*).

4 Sub-section (*1*) was substituted by Mah. 25 of 2018, s. 8.

5 Sub-sections (*1A*) and (*1B*) were inserted by Mah. 15 of 2012, s. 10(*a*).

6 This clause was inserted by Mah. 26 of 1990, s. 3(*a*).

7 This clause was inserted by Mah. 18 of 1993, s. 12(*a*).

8 This clause was renumbered by Mah. 18 of 1993, s. 12(*b*).

9 These words were substituted for the words ―The qualifications‖ by Mah. 38 of 1971, s. 2(*1*).

10 These words, figures, brackets and letter were substituted for the words, figures and brackets ―sub-sections (*1*) and (*2*)‖ by Mah. 15 of 2012, s. 10(*b*).

(*4*) Subject to the provisions of [1][section 75A], the power of making appointment to the posts specified in sub-sections (*1*) and (*2*) shall vest in the Council.

[2][* * * * *]

[3]**[75A. Constitution of Maharashtra Municipal Services and provisions relating thereto.—** (*1*) If If the State Government considers it necessary or expedient for the purpose of bringing about a more efficient service of officers of Councils with uniform terms and conditions of service to carry out the functions and duties by or under this Act, the State Government may, notwithstanding anything contained in this Act, by notification in the *Official Gazette*,—

(*a*) constitute in respect of all Councils, or any class of municipal areas, a municipal service or services (to be called by such designations as may be specified in the notification) of,—

(*i*) [4][Chief Officers and Additional Chief Officers] of such Councils, and

(*ii*) all or any of the other officers, specified in sub-section (*2*) of section 75 whose minimum salary (exclusive of allowances) is not less than Rs. 225 per month;

(*b*) direct from time to time that each such municipal service shall consist of such classes, cadres and posts (including grades of posts) and the initial strength of officers in each such classes or cadres shall be such, as may be specified in the notification, and

(*c*) further direct that the officers included in any such classes of cadres shall belong to such service of the State Government as may be specified in the notification.

(*2*) The State Government may make rules for regulating the mode of recruitment by holding examinations or otherwise; including provision for the absorption of persons already working under any Council in municipal services constituted under this section or otherwise and providing for terminal benefits as compensation, pension or gratuity or the like, to persons who elect not to be absorbed or cannot be absorbed or who elect to retire, and the conditions of service of persons appointed or absorbed, to such municipal services and in respect of persons appointed or absorbed in such municipal services constituted under this section the provisions of section 79 shall cease to apply:

Provided that, such cessor shall not, in relation to absorbed officers, affect the previous operation of section 79 in respect of anything done or omitted to be done before such absorption:

Provided further that, the terms and conditions of service applicable immediately before the appointed day to any officer shall not be varied to his disadvantage, except with the previous approval of the State Government.

(*3*) Except as otherwise provided in any rules made under sub-section (*2*), all rules, regulations or orders as amended from time to time and for the time being in force in the State and applicable to officers in the relevant class of service of the State Government shall continue to apply to officers appointed to, or absorbed in, any such service and shall be deemed to be rules, regulations or orders made under this Act, until other rules, regulations or orders, if any, are made in this behalf or subject to such modifications, as the State Government may, from time to time by notification in the *Official Gazette*, and in any other prescribed manner make.

(*4*) Notwithstanding anything contained in sub-section (*4*) of section 75, the power of making appointments of officers to any Municipal Council under this section including promotions, transfers and all matters relating to any conditions of service shall vest in the State Government, or any officer not below the rank of a Deputy Secretary to Government duly authorised by the State Government for the purpose.

5[(*5*) The officers included in any municipal service constituted under this section shall be the servants of the State Government; but they shall draw their salaries and allowances directly from the municipal fund.]

1 This word, figures and letter were substituted for the words brackets and figures ―sub-sections (*5*) and (*6*)‖ by Mah. 38 of 1971, s. 2(*2*).

2 Sub-sections (*5*), (*6*) and (*7*) were deleted by Mah. 38 of 1971, s. 2(*3*).

3 Section 75A was inserted by Mah. 38 of 1971, s. 3.

4 These words were substituted for the words ―Chief Officers‖ by Mah. 15 of 2012, s. 11. 5 Sub-section (*5*) was substituted for the original by Mah. 4 of 1974, s. 38(*1*).

(*6*) There shall be paid every year out of the municipal fund to the State Government such cost as the State Government may determine on account of 1[* *] pension, leave and 2[allowances other than those drawn from the municipal fund under sub-section (*5*)] of the officers belonging to any of municipal services constituted under this section and all the expenses incurred by the State Government for administering the municipal service or services constituted under this section. If any Municipal Council fails to pay such cost and expenses 3[or the salaries and allowances of such officers] within the period prescribe in this behalf, then the provision of sub-section (*3*) of section 312 shall apply to the payment of such cost and expenses 4[or the salaries and allowances of such officers] as they apply in relation to the payment of the expense and remuneration not paid under that section.]

76. Appointment of other officers and servants.— (*1*) A Council may, with the sanction of the Director, create such posts of officers and servants other than those specified in sub-sections (*1*) and (*2*) 5[of section 75] as it shall deem necessary for efficient execution of its duties under this Act.

[6][(*2*) Subject to the provisions of sub-section (*3*), the qualifications, pay, allowances and other conditions of service and the method of recruitment of any such officers and servants, excluding the posts equivalent to Class IV posts in the State Government, shall be determined by general or special order made by the Director in this behalf. In case of posts equivalent to Class IV posts in the services of the State Government, the qualifications, pay, allowances and other conditions of service and method of recruitment shall be determined by bye-laws made by the Council in this behalf.

(*3*) Subject to any general or special orders, which may, from time to time, be made by the State Government in this behalf, appointments to the posts created under sub-section (*1*), shall be made by the Chief Officer from the list of the candidates selected by such selection authority or such other body, as the State Government may, by general or special order, specify.]

[7][(*4*) No Council shall employ any person, who has not completed fifteenth year, to serve as a member of its sanitary staff.]

77. Powers and duties of Chief Officer.— (*1*) The Chief Officer shall,—

(*a*) [8][* * * *] supervise the financial and executive administration of the Council and exercise such powers and perform such duties and functions as may be conferred or imposed upon him or allotted to him by or under this Act;

[9][(*aa*) act as the Government representative for implementation of all Government policies, schemes and programs and shall take all necessary steps and shall be responsible for implementation of the Central Government and the State Government schemes, and shall implement the directions issued by the Government, from time to time;]

[10][(*b*) as Government representative, be responsible to give effect to the decisions or resolutions of the Council:

Provided that, if any decision or resolution is against or in violation of provisions of this Act or any other law, any Government policy, rules, bye-laws or directions issued by the Government, then it shall be his responsibility to submit such a decision or resolution to the Collector under section 308 within three days;]

(*c*) cause to be maintained and supervise the accounts and registers of the Council;

1 The word ―pay,‖ was deleted by Mah. 4 of 1974, s. 38(*2*)(*a*).

2 These words were substituted for the words ―other allowances‖ by Mah. 4 of 1974, s. 38(*2*)(*b*).

3 These words and figures were inserted by Mah. 4 of 1974, s. 38(*2*)(*c*).

4 These words and figures were inserted by Mah. 4 of 1974, s. 38(*2*)(*c*).

5 These words and figures were substituted for the words ―of the last preceding section‖ by Mah. 38 of 1971, s. 4.

6 These sub-sections were substituted by Mah. 18 of 1993, s. 13.

7 Sub-section (*4*) was added by Mah. 45 of 1975, s. 6.

8 The words ―subject to the control, direction and supervision of the President‖ were deleted by Mah. 25 of 2018, s. 9(*a*)(*i*).

9 Clause (*aa*) was inserted by Mah. 25 of 2018, s. 9(*a*)(*ii*).

10 Clause (*b*) was substituted by Mah. 25 of 2018, s. 9(*a*)(*iii*).

(*d*) subject to the orders of the competent authority, take prompt steps to remove any irregularity pointed out by the Municipal Auditor;

(*e*) prepare budget estimates and submit them to the Standing Committee;

(*f*) [1][report to the Government, Director, President and the Committee concerned all cases of of fraud, embezzlement, theft or loss of municipal money and property;

(*g*) exercise supervision and control over the acts and proceedings of all the officers and servants of the Council;

(*h*) subject to the rules, bye-laws and general or special orders made under this Act, dispose of all questions such as the pay and allowances, leave and other privileges in respect of the officers and servants of the Council.

[2][(*1A*) The Chief Officer of every Council for an ‗A' class municipal area shall, before the thirty first day of July every year, place before the Council a report on the status of environment within the area in respect of the last preceding official year covering such matters and in such manner as may be specified by the State Government from time to time.]

(*2*) The Chief Officer may, [3][* * *] delegate any of the powers or duties or functions conferred or imposed upon or allotted to him by or under this Act, to any municipal officer or servant:

[4][Provided that, such delegation shall be subject to the control and revision by the Chief Officer.]

[5]**[77A. Sumptuary allowance to Chief Officer.—** The Council shall grant to its Chief Officer sumptuary allowance at such rates as may be prescribed.]

78. Powers and duties of other officers and servants.— The powers and duties of all officers and servants of the Council, other than the Chief Officer, shall be such as the Standing Committee may specify from time to time.

[6][*Prevention of delay in discharge of official duties.*

78A. Citizens' Charter.— (*1*) The Chief Officer shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Council, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010 (Mah. XXIX of 2011).

(*2*) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

78B. Delegation of powers.— (*1*) The Chief Officer shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(*2*) The Chief Officer shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Council.

(*3*) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010 (Mah. XXIX of 2011), and shall be updated on the 1st April of every succeeding year.

1 These words were substituted for the words ―report to the President‖ by Mah. 25 of 2018, s. 9(*a*)(*iv*). 2 Sub-section (*1A*) was inserted by Mah. 41 of 1994, s. 144.

3 The words ―with the sanctions of the President‖ were deleted by Mah. 25 of 2018, s. 9(*b*)(*i*). 4 This proviso was substituted by Mah. 25 of 2018, s. 9(*b*)(*ii*).

5 Section 77A was substituted by Mah. 15 of 2012, s. 12.

6 The Heading Sections 78A to 78D were inserted by Mah. 29 of 2011, s. 8.

78C. Disciplinary action.— (*1*) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible:

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or officer under the Corporation for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days:

Provided also that, in respect of the files not required to be referred to any other Department within the Council and not required to be submitted to any Statutory Committee, the concerned Department of the Council shall take the decision and necessary action in the matter within forty-five days and in respect of

the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(*2*) Any wilful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(*3*) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

78D. Non-application of provisions of section 78C in certain circumstances.— Nothing in section 78C shall apply to,—

(*i*) sub-judice matters;

(*ii*) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;

(*iii*) quasi-judicial matters;

(*iv*) cases related to the Central or other State Governments;

(*v*) cases related to Legislation; and

(*vi*) cases involving major policy decisions.]

79. Punishment of Officer and servants.— (*1*) Without prejudice to the provisions of any law for the time being in force [1][and subject to the provisions of section 75A and the rules made thereunder,] the following penalties may, for good reasons, be imposed upon any officer or servant of the Council :—

(*i*) Censure;

(*ii*) Withholding of increments or promotion including stoppage at an efficiency bar;

(*iii*) Reduction to a lower post on a fixed pay or a time-scale or to a lower stage in time-scale;

(*iv*) Recovery from his pay of the whole or part of any pecuniary loss caused to the Council by negligence or breach of orders;

(*v*) Fine;

(*vi*) Suspension;

1 This portion was inserted by Mah. 38 of 1971, s. 5.

(*vii*) Removal from the service, which does not disqualify from future employment;

(*viii*) Dismissal from the service, which ordinarily disqualifies from future employment.

(*2*) Any of the penalties mentioned in sub-section (*1*) may be imposed on an officer or servant of the Council by the authority competent to make the appointment of the officer or servant:

[1][* * * * *]

[2][Provided that, any officer or servant appointed by the Council may be suspended by the Chief Officer pending an order of the Council and every such suspension with the reasons therefor shall forthwith be reported by the Chief Officer to the Council; [3][and such suspension shall continue till the completion of the enquiry:]

Provided further that, if such enquiry is not completed within a period of six months, the Collector shall after examining the reasons for the delay in completion of the enquiry either revoke the order of suspension or may extend it for a period of six months:

Provided also that, if such enquiry is not completed within the total period of one year, the Chief Officer concerned shall immediately seek further extension of suspension period from the Regional Director who may, either revoke the suspension order or after recording the reasons in writing may, grant further extension of not more than three months at a time so, however that, the total period of the suspension shall not go beyond eighteen months. On the event of the enquiry not being completed within the total period of eighteen months, the power to grant any further extension shall lie with the State Government. The suspension of an officer or servant pending an enquiry against such officer or servant shall not be deemed to be a penalty:]

[4][Provided also that] the Chief Officer may, for good and sufficient reasons impose on any officer or servant of the Council, any minor penalty or penalties specified in clauses (*i*), (*ii*), (*iv*), (*v*) and (*vi*) of sub-section (*1*):

Provided also that,—

(*i*) if the post held by a municipal servant is equivalent to Class IV post under the State Government, the penalties specified in clauses (*iii*), (*vii*) and (*viii*) may be imposed on such servant by the Standing Committee and, if the Council so decides, by the President;

(*ii*) if the post held by an officer or servant is above the rank of a Class IV post under the State Government, such penalties may be imposed on such officer or servant by the Council or by the Standing Committee, if the Council so decides.]

(*3*) No officer or servant shall be reduced to a lower post or removed or dismissed from service under this section unless he has been given a reasonable opportunity of showing cause against such reduction, removal or dismissal:

Provided that, this sub-section shall not apply—

(*a*) where a person is reduced, removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge; or

(*b*) where the competent authority is satisfied that, for reasons to be recorded in writing by such authority, it is not reasonably practicable to give that person an opportunity of showing cause.

[5][(*4*) In case of any officer or servant holding any post permanently above the rank of a Class IV post of the State Government, no order of removal or dismissal shall be passed without the prior approval of the Collector.]

1 This proviso was deleted by Mah. 34 of 1983, Sch.

2 These provisos were substituted by Mah. 18 of 1993, s. 15(*a*).

3 This portion was substituted for the portion beginning with the words ―and such suspension‖ and ending with the words ―to be a penalty‖ by Mah. 11 of 1996, s. 13(*a*).

4 These words were substituted for the words ―Provided further that‖ by Mah. 11 of 1996, s. 13(*b*).

5 This sub-section was substituted by Mah. 18 of 1993, s. 15(*b*).

(*5*) In every case referred to the Collector under the last preceding sub-section the Collector shall not refuse to give his approval unless he is satisfied that—

(*i*) the finding at the inquiry is perverse; or

(*ii*) the penalty of removal or dismissal, as the case may be, is too severe.

Where the Collector informs the Council, or the Standing Committee that the finding at the inquiry is perverse, no further proceeding shall be taken against the officer or servant concerned in respect of the same matter.

(*6*) An appeal against any order imposing any penalty mentioned in sub-section (*1*) may be made to the authority superior to the authority imposing the penalty as shown below :—

Authority imposing the penalty	Superior authority to which appeal may be made
(*i*) Chief Officer	Standing Committee.
(*ii*) Standing Committee	Council.
(*iii*) Council	Director.

(*7*) No such appeal may be entertained if not preferred within one month from the date of receipt of the order appealed against by the officer or servant concerned.

[1][**79A. Sanction for prosecution of officers and servants of Council.—** Notwithstanding anything contained in section 79 or any other section of the Act, the Chief Officer shall be competent to sanction prosecution of any officer or servant of the Council which has been sought by the Police or any other Government agency. The Chief Officer shall inform about grant of any such sanction to the Municipal Council in the next ensuing meeting of the Council.]

80. By-laws to be made regulating certain conditions of service.— Every Council shall, in respect of the officers and servants of the Council, other than those referred to in sub-sections (*1*) and (*2*) of section 75, make by-laws on the following matters, namely :—

(*a*) fixing the amount and nature of the security to be furnished by any employee who is required to handle property, cash or securities belonging to the Council or by any other employee from whom it may be deemed expedient to require security;

(*b*) regulating the grant of leave to the employees and the payment of leave salary and allowances to them whilst absent on leave;

(*c*) determining the remuneration to be paid to the persons appointed to act for any of the said employees during their absence on leave;

(*d*) authorising the payment of travelling or conveyance allowance to the employees;

(*e*) regulating the period of service of all employees;

(*f*) determining the conditions under which the employees or any of them shall on retirement or discharge or in the event of injury or disability receive pension, gratuity or compassionate allowance and under which heirs or surviving relatives shall receive pension, gratuity or compassionate allowance and the rate or amounts of such pension, gratuity or compassionate allowance;

(*g*) authorising payment of contributions, out of the Municipal Fund, to any pension or provident fund which may be established for the benefit of the employees;

(*h*) determining subsistence allowance, in lieu of pay, during the period of suspension of any employee, pending inquiry;

1 This section was inserted by Mah. 11 of 2002, s. 48.

[1][(*i*) determining the method of recruitment and the qualifications, pay, allowances and other conditions of service of posts equivalent to Class IV posts in the services of the State Government:

Provided that, the by-laws, if any, in respect of any or all the matters mentioned in this section, whether made before or after, shall be subject to the rules or, the general or special orders, if any, made or issued in this behalf by the State Government or the Director; and notwithstanding anything contained in this Act, such rules or orders shall prevail over such by-laws.]

CHAPTER VI

CONDUCT OF BUSINESS

(1) *Meetings*.

81. Provisions in regard to meetings of Council.— The following provisions shall be observed with respect to the meetings of a Council :—

2[(*1*) For the disposal of general business, which shall be restricted to matters relating to the powers, duties and functions of the Council as specified in this Act or any other law for the time being in force, and any welcome address to a distinguished visitor, proposal for giving *Manpatra* to a distinguished person or resolution of condolence (where all or any of these are duly proposed), 3[an ordinary meeting shall be held once in every month]. The 4[first such meeting, shall be held within one month] from the date on which the meeting of the Council 5[under section 51] is held, and 6[each succeeding ordinary meeting shall be held within one month] from the date on which the last preceding ordinary meeting is held. The President may also call additional ordinary meetings as he deems necessary. It shall be the duty of the President to fix the dates for all ordinary meetings and to call such meetings in time.]

7[(*1A*) If the President fails to call on ordinary meeting within the period specified in clause (*1*), the Chief Officer shall forthwith report such failure to the Collector. The Collector shall, within seven days from receipt of the Chief Officer‘s report or may, *suo motu*, call the ordinary meeting. The agenda for such meeting shall be drawn up by the Collector, in consultation with the Chief Officer:

Provided that, any such meeting called by the Collector shall not disturb the sequence of the ordinary meetings as specified in clause (*1*) and the next ordinary meeting shall be called by the President as if the last preceding meeting was held on the last permissible day of the period specified in clause (*1*).]

(*2*) The President may, whenever he thinks fit, and shall upon the written request of not less than one-fourth of the total number of Councillors and on a date not later than fifteen days after the receipt of such request by the President, call a special meeting. 8[The business to be transacted at any such meeting shall also be restricted to matters specified in clause (*1*).]

(*3*) If the President fails to call a meeting within the period 9[specified in clause (*2*)], the Councillors who had made a request for the special meeting being called, may request the

1 This clause was substituted for original by Mah. 18 of 1993, s. 16.

2 Clause (*1*) was substituted by Mah. 4 of 1974, s. 18(*a*).

3 These words were substituted for the words ―an ordinary meeting shall be held once in two months‖ by Mah. 25 of 2018, s. 10(*a*)(*i*).

4 These words were substituted for the words ―first such meeting shall be held within two months‖ by Mah. 25 of 2018, s. 10(*a*)(*ii*).

5 These words and figures were substituted for the words, figures and letter ―under section 19A‖ by Mah. 19 of 1981, s. 16.

6 These words were substituted for the words ―each succeeding ordinary meeting shall be held within two months‖ by Mah. 25 of 2018, s. 10(*a*)(*iii*).

7 Clause (*1A*) was inserted by Mah. 4 of 1974, s. 18(*b*).

8 This portion was added by Mah. 4 of 1974, s. 18(*c*).

9 These words, brackets and figures were substituted for the words, brackets and figures ―specified in clause (*1*) or clause (*2*)‖ by Mah. 4 of 1974, s. 18(*d*).

Collector to call a special meeting. On receipt of such request, the Collector, or any officer whom he may designate in this behalf, shall call the special meeting on a date within fifteen days from the date of receipt of such request by the Collector. Such meeting shall be presided over by the Collector or the officer designated, but he shall have no right to vote.

(*4*) (*a*) Seven clear days‘ notice of an ordinary meeting, and three clear days‘ notice of a special meeting, specifying the date, hour and place at which such meeting is to be held and the business to be transacted thereat shall be served upon the Councillors, 1[and posted up at the Municipal Office and the official website of the Council or *Nagar Panchayat*]. The notice shall include any motion or

proposition of which a Councillor shall have given written notice not less than ten clear days previous to the meeting, of his intention to bring forward thereat and in the case of a special meeting, any motion or proposition mentioned in any written request made for such meeting;

(*b*) Notwithstanding anything contained in sub-clause (*a*) in an emergency, for reasons to be recorded in writing, the President may call a special meeting of the Council with only one day's notice served upon the Councillors and posted up at the municipal office.

(*5*) Every meeting of a Council shall, except for reasons to be specified in the notice convening the meeting, be held in any of the buildings used as a municipal office by such Council.

(*6*) Every meeting shall, in the absence of both the President and the Vice-President, be presided over by such one of the Councillors present as may be chosen by the meeting to be the Chairman for the occasion and such Chairman shall exercise thereat the powers vested in the President by clause (*a*) of sub-section (*1*) of section 58.

(*7*) (*a*) The presiding authority shall preserve order at the meeting. All points of order shall be decided by the presiding authority with or without discussions as it may deem fit, and the decisions of the presiding authority shall be final;

(*b*) (*i*) the presiding authority may direct any Councillor whose conduct is in its opinion disorderly to withdraw immediately from the meeting of the Council and any Councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting:

Provided that, the presiding authority may withdraw such order on receiving an apology from the Councillor or without such apology;

(*ii*) if any, Councillor, who has been ordered to withdraw, continues to remain in the meeting, the presiding authority may take such steps as it may deem fit to cause him to be removed.

(*8*) Every meeting shall be open to the public, unless the presiding authority considers that any inquiry or deliberation pending before the Council should be held in private:

Provided that, the presiding authority may at any time cause any person to be removed who interrupts the proceedings.

(*9*) (*a*) The quorum necessary for the transaction of business—

(*i*) at an ordinary meeting shall be one-third of the total number of Councillors;

(*ii*) at a special meeting shall be one-half of the total number of Councillors:

Provided that, in computing the quorum a fraction shall be ignored;

(*b*) If at any time during a meeting the presiding authority notices or if it is brought to the notice of the presiding authority that the number of Councillors present including the presiding authority falls short of the quorum required, the presiding authority shall after waiting for not less than fifteen minutes and not more than thirty minutes adjourn the meeting to such hour on the following or some other future day as it may reasonably fix. A notice of such adjournment

1 These words were substituted for the words ―and posted up at the Municipal Office‖ by Mah. 25 of 2018, s. 10(*b*).

shall be posted up at the municipal office [1][and the official website of the Council or *Nagar Panchayat*] and the business which would have been brought before the original meeting, had there been a quorum thereat, but no other business, shall be brought before the adjourned meeting and may be disposed of at such meeting:

[2][Provided that, all proposals of the Councillors on the agenda of meeting should have detailed remarks of the Chief Officer of the Council or *Nagar Panchayat*.]

(*10*) Except with the permission of the presiding authority (which shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof), no business shall be transacted and no proposition shall be discussed at any meeting unless it had been mentioned in the notice convening such meeting or in the case of a special meeting in the written request for such meeting:

[3][Provided that, no such permission shall be granted by the authority for consideration of more than five subjects in the meeting.]

(*11*) Subject to any rules made in this behalf, the order in which the business shall be transacted at any meeting shall be determined by the presiding authority:

Provided that, if it is proposed by any Councillor that priority should be given to any particular item of business, or to any particular proposition, the presiding authority shall put the proposal to the meeting and be guided by the majority of votes of the Councillors present and voting, given for or against the proposal.

(*12*) Minutes containing the names of the Councillors and of the Government officers, if any, present under the provisions of clause (*17*), and of the proceedings at each meeting shall be kept in Marathi, Hindi or English as the Council may determine, in a book to be maintained for this purpose. Except when votes are recorded by ballot, the names of the Councillors voting for or against any proposal or motion shall be recorded in the minute book. [4][The minutes shall be signed, within seven days] by the presiding authority of such meeting and shall at all reasonable times be open to inspection [5][by any inhabitant of the municipal area and the resolutions shall be published on the official website of the Council and the official website of the Director.] Such minutes shall be placed before the next meeting of the Council and shall after confirmation by the meeting, be signed by the presiding authority of such meeting.

(*13*) Except as otherwise provided by or under this Act, all question shall be decided by a majority of votes of the Councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules:

[6][Provided that, the nominated Councillors referred to in clause (*b*) of sub-section (*1*) of section 9 shall not have the right to vote in the meetings of the Council.]

(*14*) Any meeting may, with the consent of a majority of the Councillors present be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place. A notice of such adjournment posted up at the municipal office shall be deemed to be sufficient notice of the adjourned meeting.

[7][Notwithstanding anything contained in clause (*9*), except for the meeting adjourned while having quorum, no quorum shall be necessary for an adjourned meeting.]

1 These words were inserted by Mah. 25 of 2018, s. 10(*c*)(*i*).

2 This proviso was added by Mah. 25 of 2018, s. 10(*c*)(*ii*).

3 This proviso was inserted by Mah. 11 of 2002, s. 49.

4 These words were substituted for the words ―The minutes shall be signed as soon as practicable‖ by Mah. 25 of 2018, s. 10(*d*)(*i*).

5 These words were substituted for the words ―by any inhabitant of the municipal area‖ by Mah. 25 of 2018, s. 10(*d*)(*ii*).

6 This proviso was inserted by Mah. 41 of 1994, s. 145.

7 This portion was substituted for the portion beginning with the words ―Notwithstanding anything contained‖ and ending with the words ―for such adjourned meeting.‖ by Mah. 15 of 2012, s. 13.

(*15*) No resolution of a Council shall be modified or cancelled within three months after the passing thereof except by a resolution supported by not less than one-half of the total number of Councillors and passed at the meeting of which notice shall have been given fulfilling the requirements of clause (*4*) and setting forth fully the resolution which it is proposed to modify or

cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(*16*) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being or is to be executed for the Council by any Department of the Government or the *Zilla Parishad* concerned or to any educational matter shall be transacted at any meeting of a Council unless at least seven days previous to such meeting, a letter has been addressed to the concerned officer of the Government or the *Zilla Parishad* or the Educational Inspector, as the case may be, informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business.

(*17*) If it shall appear to a Council that the presence of any Government officer or an Officer of the *Zilla Parishad* is desirable for the purpose of discussion of consideration of any question, on which, in virtue of the duties of his office, his opinion or the information which he can supply will be useful to such Council, at any meeting of such Council, it shall be competent to such Council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to invite him to be present thereat; and the said officer shall, as far as possible, attend such meetings:

Provided that, such officer on receipt of such letter may, if unable to be present himself, instruct a Deputy or Assistant or other competent subordinate, as to his views, and may send him to the meeting as his representative, instead of attending himself.

(*18*) No officer attending a meeting of the Council under clause (*16*) or (*17*) shall be entitled to vote on any proposition at such meeting.

(*19*) The State Government may make rules in respect of matters relating to the conduct of business at meetings of the Council not provided for in this section.

82. Meetings of Committees.— The following provisions shall apply to meetings of Committees :—

[1][(*1*) The ordinary meetings of the Committee shall be held once every month. The first ordinary meeting shall be held within fifteen days from the date on which the concerned Committee has been constituted and each succeeding ordinary meeting shall be held within one month from the date on which the last preceding ordinary meeting is held, on such days and at such time as the Chairman may fix. The business to be transacted at such meeting shall be restricted to the subjects allotted to the Committee concerned under section 70.]

(*2*) Upon the written request of the President or of not less than one-fourth of the members of the Committee, the Chairman shall call a special meeting of the Committee on a date not later than seven days after the receipt of such request:

Provided that, in computing one-fourth of the members a fraction shall be ignored:

[2][Provided further that, the business to be transacted at such meeting shall also be restricted to the subjects allotted to the Committee concerned under section 70.]

(*3*) If the Chairman of a Committee has been absent from the municipal area for a period exceeding fifteen days or if the Chairman fails to call a meeting within the period specified in clause (*2*), the President or in his absence the Vice-President may call a meeting of the Committee.

(*4*) If the Chairman, the President and the Vice-President fail to call a meeting as required by clause (*2*) or (*3*), one-third of the members of the Committee or two members, whichever is more, may call such meeting:

1 Clause (*1*) was substituted by Mah. 4 of 1974, s. 19(*a*).

2 This proviso was inserted by Mah. 4 of 1974, s. 19(*b*).

Provided that, in computing one-third of the members a fraction shall be ignored.

(*5*) (*a*) A notice of every meeting specifying the date on which and the time and the place at which such meeting is to be held and the business to be transacted thereat shall be served upon each

member of the Committee and shall also be posted up at the municipal office at least three clear-days before the date of the meeting;

(*b*) Notwithstanding anything contained in sub-clause (*a*) in an emergency, for reasons to be recorded in writing, the Chairman may call a meeting of the Committee with only one day's notice served upon the members and posted up at the municipal office.

(*6*) One-half of the members of a Committee shall form a quorum, but such number shall not be less than two:

Provided that, in computing one-half of the members a fraction shall be ignored.

(*7*) Every meeting of a Committee shall be presided over by the Chairman and in the absence of the Chairman, by one of the members of the Committee as may be chosen by the meeting to preside.

(*8*) The State Government may make rules in respect of matters relating to the conduct of business at meetings of Committees not provided for in this section.

(*9*) Save as otherwise provided by clauses (*1*) to (*7*) and the rules made under clause (*8*), the provisions of clauses (*5*), (*7*), (*10*), (*11*), (*12*), (*13*), (*14*), (*15*), (*17*) and (*18*) of the last preceding section and the rules made under clause (*19*) of that section shall *mutatis mutandis* apply to the meetings of all Committees.

[1]**[83. Proceedings of the Council, Standing Committee, etc.—** (*1*) The Chief Officer shall have the same right of being present at a meeting of the Council and of taking part in the discussions thereat as a Councillor and, with the permission of the presiding authority, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make, any proposition at such meeting.

(*2*) The Council may require any of its officers to attend any meeting or meetings of the Council at which any matter dealt with by such officer in the course of his duties is being discussed; when any officer is thus required to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the Council may require.

(*3*) The Chief Officer shall have the same right of being present at a meeting of the Standing Committee or of a Subject Committee and of taking part in the discussions thereat as a member of the said Committee, but he shall not be at liberty to vote upon or make any proposition at such meeting.

(*4*) The Chief Officer and in his absence any other Officer authorized by him in this behalf shall have the same right of being present at a meeting of the Council, Standing Committee or of a Subject Committee and of taking part in the discussion thereat as a member of the said Committee, but shall not be at liberty to vote upon or make any proposition at such meeting.

(*5*) It shall be the duty of the Chief Officer to bring to the notice of the Council, the provisions of this Act and of other laws, any Government policy, rules, bye-laws, or directions issued by the Government and he is further duty bound to send the resolution to the Collector under section 308, if Council resolves contrary.]

[2]**[83A. Deemed sanction.—** (*1*) (*a*) Where, any proposal of the Chief Officer requires previous sanction or approval of the Council or the Committee, the Council or the Committee shall consider and dispose of any such proposal of the Chief Officer, within thirty days reckoned from the date of the meeting of the Council or the Committee held immediately after the proposal is received by the

1 Section 83 was substituted by Mah. 25 of 2018, s. 11.

2 Section 83A was substituted by Mah. 25 of 2018, s. 12.

Meeting Superintendent, whether the item pertaining to such proposal is taken on the agenda of the meeting or not.

(*b*) The Chief Officer shall send any proposal to the Meeting Superintendent which requires previous approval of the Council, or the Committee, as the case may be, and the Meeting Superintendent shall immediately place the same before the President or the Chairman of the concerned Committee.

(*2*) (*a*) If Council or the Committee fails to take the decision within the period specified in sub-section (*1*), then the President or the Chairman of the concerned Committee shall decide the proposal within seven days after the expiry of the said period. The decision given by the President or the Chairman of the concerned Committee on such proposal shall be deemed to have been given by the Council or the concerned Committee:

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the existing provisions of this Act or any other law, for the time being in force.

(*b*) If the President or the Chairman of the Committee fails to take the decision within the period specified in clause (*a*) above or, the Council, the Committee or the President, as the case may be, the Chairman of the Committee rejects such proposal, which is recommended by the Chief Officer as per the directions of the Government, then the Chief Officer shall be empowered to give effect to such proposal and submit a report about the same to the Government, within three days.]

84. Power of Council or Committee to require information, document, etc., from Chief Officer.— (*1*) The Council or any Committee may require from the Chief Officer,—

(*a*) any return, statement, estimate, statistics or plan or other information regarding any matter pertaining to the administration of the Council;

(*b*) report or clarification on any such matter; and

(*c*) a copy of any record, correspondence, plan or other document which is in his possession or under his control in his official capacity or which is recorded or filed in his office or in the office of any officer or servant subordinate to him.

(*2*) The Chief Officer shall comply with any requisition under sub-section (*1*) unless he is of opinion that compliance therewith will be prejudicial to the interest of the Council or of the public, in which case, he shall refer such requisition to the President and abide by the decision of the President.

85. Joint Committees of local bodies.— (*1*) A Council may, from time to time, concur with any other local authority,—

(*a*) in appointing out of their respective bodies, a joint committee for any purpose in which they are jointly interested and in appointing a Chairman of such Committee; and

(*b*) in delegating to any such Committee power to frame terms binding on each such body as the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(*c*) in framing and modifying regulations for regulating the proceedings of any such Committee and the conduct of correspondence relating to the purpose for which the Committee is appointed.

(*2*) A Council may, from time to time, enter into an agreement with any other local authority for the levy of any tax falling under entry [1][* * *] 59 in List II in the Seventh Schedule to the Constitution of India, whereby the tax leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies.

(*3*) Where a Council has requested the concurrence of any other local authority under the provisions of sub-section (*1*) in respect of any matter and such other local authority has refused to concur, the State Government may pass such order as it may deem fit, requiring the concurrence of

1 The figures and word ―52 or‖ were deleted by Mah. 31 of 1999, s. 3.

such other local authority, not being a cantonment authority, in the matter aforesaid; and such other local authority shall comply with such order.

(*4*) If any difference of opinion arises between bodies having joined or entered into an agreement for any purpose under this section, the decision thereupon of the State Government or of such officer as it may designate in this behalf shall be final:

Provided that, if one of the bodies concerned is a cantonment authority, any such decision shall be subject to the concurrence of the Central Government.

(*5*) For the purposes of this section, the expression ―local authority‖ include a Cantonment Board.

86. [1][*District Co-ordination Committee. Deleted.*]

(2) *Validity of proceedings*.

87. Acts and Proceedings of Council and Committees not vitiated by disqualifications, etc., of members thereof.— (*1*) No disqualification of or defect in the election or appointment of any person acting as Councillor or as the President or presiding authority of any meeting or as Chairman or member of Committee appointed under this Act shall be deemed to vitiate any act or proceedings of the Council or of any such Committee, as the case may be, in which such person has taken part, wherever the majority of persons parties to such act or proceedings, were entitled to act.

(*2*) No resolution of a Council or of any such Committee shall be deemed invalid on account of any irregularity in the service of notice upon any Councillor or member, provided that the proceedings of the Council or Committee were not prejudicially affected by such irregularity.

(*3*) Until the contrary is proved, every meeting of a Council or of a Committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act or the rules made thereunder, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a Committee, such Committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(*4*) During any vacancy in a Council or Committee the continuing Councillors or members may act as if no vacancy had occurred.

[2][CHAPTER VI-A

DISCLOSURE OF SPECIFIED INFORMATION

87A. Disclosure of specified information.— (*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*).

(*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;

1 Section 86 was deleted by Mah. 41 of 1994, s. 146.

2 Chapter VI-A was inserted by Mah. 33 of 2007, s. 5.

(*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 a 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, [1][* * *] and surcharge, rent from the properties, fees from licenses and permissions;

(*b*) taxes, duties, [2][* * *] 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.]

CHAPTER VII

MUNICIPAL PROPERTY,FUNDS,CONTRACTS AND LIABILITIES

88. Power to acquire and hold property.— (*1*) Subject to any special reservation made or to any special conditions imposed by the State Government, all property of the nature hereinafter in this section specified (not being of private ownership) and situate within the limits of the municipal area shall vest in and be under the control of the Council, and with all other property which has already vested or may hereafter vest in the Council, shall be held and applied by it for the purposes of this Act, that is to say,—

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots and all public buildings of every description which have been constructed or are maintained out of the municipal fund;

(*b*) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or

1 The word ―cess‖ was deleted by Mah. 42 of 2017, s. 50(*1*). 2 The word ―cess‖ was deleted by Mah. 42 of 2017, s. 50(*2*).

appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto;

(*d*) all dust, dirt, dung, ashes, refuse, animal matter or filth, or rubbish of any land, or unclaimed dead bodies of animals, collected by the Council from the streets, houses, privies, sewers, cess-pools or elsewhere, or deposited in places fixed by the Council in that behalf;

(*e*) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) all lands, buildings or other property transferred to the Council by the Central Government or the State Government or acquired by gift, purchase or otherwise for local public purposes; and

(*g*) all public streets, not being open spaces or lands owned by Government and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(*2*) The lands and buildings belonging to Government and transferred to a Council under clause (*f*) of sub-section (*1*) shall not, unless otherwise expressly provided in the instrument or order of transfer, belong by right of ownership to the Council, but shall vest in it subject to the terms and conditions of the transfer. On the breach of any of the said terms or conditions, the land or the building, as the case may be, with all things attached to such land or building including all fixtures and structures shall revest in Government and it shall be lawful for Government to resume possession thereof and make such orders as to its management or disposal, as it may deem fit without payment of compensation.

89. Decision of claims to property by or against the Council.— (*1*) In any municipal area to which a survey of lands, other than lands ordinarily used for the purposes of agriculture only, has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Council, or by any person as against the Council, it shall be lawful for the Collector after inquiry of which due notice has been given, to pass an order deciding the claim.

(*2*) Any suit instituted in any civil court after the expiration of one year from the date of any order passed by the Collector under sub-section (*1*) or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority as determined according to section 204 of the [1]Bombay Land Revenue Code, 1879 (Bom. V of 1879), section 158 of the Hyderabad Land Revenue Act (Hyd. VIII of 1317 Fasli), or section 41 of the Madhya Pradesh Land Revenue Code, 1954 (M. P. II of 1955), as the case may be, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that the plaintiff has had due notice of such order.

(*3*) (*a*) The powers conferred by this section on a Collector may also be exercised by an Assistant or Deputy Collector or by a Survey Officer or a Settlement Officer or Assistant Settlement Officer, as the case may be;

(*b*) The inquiry referred to in this section shall be conducted in accordance with the provisions relating to conduct of formal inquiry or inquiry contained in the relevant Land Revenue Code or Act in force in the municipal area.

90. Municipal fund.— (*1*) All moneys received by or on behalf of a Council by virtue of this Act or any other law for the time being in force, all taxes, fines and penalties paid to or levied by it under this Act, other than fines imposed by any Court, all proceeds of land or other property sold by the Council, and all rents accruing from its land or property, and all interest, profits and other moneys accruing by gift or transfer from Government or private individuals or otherwise, shall constitute the

[1] Please refer here the relevant provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

municipal fund, and shall be held and dealt with in a similar manner to the property specified in section 88 and section 97, respectively:

Provided that—

(*a*) nothing in this section or in section 88 shall in any way affect any obligation accepted by or imposed upon any Council by any declarations of trust executed by or on behalf of such Council or by any scheme settled under the Charitable Endowments Act, 1890 (VI of 1890), for the administration of any trust, or by a trust of the nature specified in clause (*b*);

(*b*) a Council may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, after crediting the necessary sums to the [1][fund created under section 91] credit to a separate heading in the municipal accounts any portion of the municipal fund received or set apart by it specially for the purposes of schools or dispensaries or water works or fire-brigades or other such purposes as the Director in this behalf approves, and the Council shall apply sums so credited exclusively to the special purposes for which sums were received or set apart;

(*c*) (*i*) every Council which levies a tax on pilgrims resorting periodically to a shrine within its area shall, subject to the condition that reasonable provision shall be made for the purposes specified in sub-clause (*ii*), credit the proceeds of the said tax to a separate heading in the municipal account to be called the ―Pilgrim Fund Account‖;

(*ii*) the purposes for which provision shall be made by a Council before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the Council of such percentage of the proceeds of the said tax as may be determined from time to time by the Council with the approval of the Collector for—

(A) making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under this Act or any other law for the time being in force;

(B) such general duties of the Council as are connected with the health, convenience and safety of the said pilgrims; and

(C) the cost of collection of the said tax;

(*iii*) the sums credited under sub-clause (*i*) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Collector.

(*2*) The State Government may under appropriation duly made in this behalf make such grants to every Council every year and subject to such terms and conditions and in such manner as it may deem fit for all or any of the following purposes, namely :—

(*a*) Water supply;

(*b*) Drainage;

(*c*) Primary and secondary education;

(*d*) Development plan and town planning schemes under the [2]Bombay Town Planning Act, 1954 (Bom. XXVII of 1955);

(*e*) Dearness allowance to the officers and servants of the Council;

(*f*) [3][* * * * * * *]

(*g*) Public Health;

(*h*) Fire Brigade;

1 These words and figures were substituted for the words and figures ―funds created under section 50 and 91‖ by Mah. 15 of 2012, s. 15.

2 Now refer the Maharashtra Regional and Town Planning Act, 1966 (Mah. 27 of 1966). 3 Clause (*f*) was deleted by Mah. 38 of 1971, s. 6.

(*i*) Construction and maintenance of roads; and

(*j*) such other amenities as the State Government may from time to time determine.

Such grants shall be credited to the municipal fund and applied for the purposes for which they are sanctioned.

1[(*3*) It shall be competent for the State Government to deduct,—

(*a*) from the grants made under sub-section (*2*); or

(*b*) from any sum representing the grant-in-aid or the share of the Council in the net proceeds of the taxes, duties, tolls and fees levied by the State and distributed and allocated, as determined by the State Government, on the recommendations of the Finance Commission;

any amount which is due to the State Government or to any Government Corporation, Government company or any other statutory authority constituted by the Government of Maharashtra:

Provided that, before making such deduction, the Council‘s say in the matter shall be considered by the Government.

2**[90A. Establishment of Consolidated Water Supply and Sewage Disposal Project Fund.—** (*1*) The Council shall establish and set apart for the purposes of budget estimate ‗B‘, a separate fund to be called ―the Consolidated Water Supply and Sewage Disposal Project Fund‖ (hereinafter referred to as ―Project Fund‖) for the purpose of carrying into effect the provisions of Chapter XIII and XIV.

(*2*) The following moneys shall be credited to the Project Fund, namely :—

(*a*) any sums borrowed in exercise of the powers conferred by or under this Act for the purposes of Chapters XIII and XIV;

(*b*) any grants received from the Government for the purposes of Chapters XIII and XIV;

(*c*) all monies received by or on behalf of the Council under clause (*h*) or (*i*) of sub-section (*2*) of section 105.

(*3*) The Project Fund so established shall be applied for,—

(*a*) the expenditure on capital works for the purposes of Chapters XIII and XIV;

(*b*) the repayment of the loans raised for such capital works.

(*4*) Any money of the Project Fund, not used or not immediately to be used in accordance with sub-section (*3*), shall be invested by the Chief Officer, on behalf of the Council, with the sanction of the Standing Committee in any Nationalized Bank, in such manner as he deems fit and proper.

90B. Establishment of Water and Sewage Fund.— (*1*) The Council shall establish and set apart a separate fund to be called ―the Water and Sewage Fund‖.

(*2*) The following moneys shall be credited to the Water and Sewage Fund, namely :—

(*a*) all moneys received by or on behalf of the Council under clauses (*b*) and (*d*) of sub-section (*2*) of section 105 and clauses (*d*), (*e*) and (*f*) of section 108 or any other money received for the purposes of Chapters XIII and XIV;

(*b*) such percentage of general revenues of last preceding year, for such number of years as the Council may decide on its own or as decided by the State Government at the time of sanctioning any Water Supply or Sewage Disposal Scheme or before giving any guarantee to any loan required by the Council to investigate, prepare plans and estimate and to execute the projected drinking water supply or sewage disposal scheme.

1 Sub-section (*3*) was added by Mah. 41 of 1994, s. 147.

2 The sections 90A to 90J were inserted by Mah. 15 of 2012, s. 16.

(*3*) All moneys payable to the credit of the Water and Sewage Fund shall be received by the Chief Officer on behalf of the Council and forthwith paid by him into the Nationalized Bank, approved by the Standing Committee from time to time in this behalf, to the credit of account, which shall be styled ―the Account of the Water and Sewage Fund of ..... Municipal Council‖:

Provided that, the Chief Officer may retain such balance in cash as may be necessary for the purposes of Chapters XIII and XIV.

(*4*) The moneys credited to the said Fund from time to time shall be applied only for payment of sums, charges and costs necessary for the purposes of carrying into effect the provisions of Chapters XIII and XIV.

(*5*) Surplus money at the credit of the said Fund which cannot immediately or at an early date be applied as provided in sub-section (*4*) may, from time to time, be deposited by the Chief Officer at interest in any Nationalized Bank approved by the Standing Committee or be invested in public securities.

(*6*) All such deposits and investments shall be made by the Chief Officer on behalf of the Council, with the sanction of the Standing Committee, and with the like sanction, the Chief Officer may at any time withdraw any deposits so made or dispose of any securities and re-deposit or re-invest the moneys so withdrawn or the proceeds of the disposal of the securities; but no order for making any such deposit or investment or withdrawal or disposal shall have any validity, unless the same be in writing signed by two persons specified for signing cheques.

(*7*) The loss, if any, arising from any such deposit or investment shall be debited to the Water and Sewage Fund.

90C. Powers of Council to Borrow money.— (*1*) The Council may, from time to time, borrow or re-borrow and take up at interest from the State Government or from any financial institution with the previous sanction of the State Government, by the issue of debentures or otherwise on the security of any immovable property vested in the Council or proposed to be acquired by it under this Act or of all the taxes or of any tax which it is authorised to levy for the purposes of this Act or of all or any of those securities, any sum necessary for the purpose of,—

(*a*) defraying any costs, charges or expenses, incurred or to be incurred by it, in the execution of this Act,

(*b*) discharging any loan contracted under this Act or any other loan or debt for the repayment of which the Council is liable,

(*c*) making good any deficit in budget estimate,

(*d*) generally, carrying out the purposes of this Act, including the advance of loans authorized thereunder:

Provided that,—

(*i*) no loan shall be raised for the execution of any work other than a permanent work, which expression shall include any work of which the cost should, in the opinion of the State Government, be spread over a term of years;

(*ii*) no loan shall be raised unless the State Government has approved the terms on and the method by which the loan is to be raised and repaid;

(*iii*) the period within which the loan is to be repaid shall in no case exceed sixty years and, where a loan is raised for the repayment of a previous loan, the period within which the subsequent loan is to be repaid shall not extend beyond the unexpired portion of the period fixed for the repayment of the original loan, unless the State Government so directs, and shall in no case extend beyond the period of sixty years from the date on which the original loan was raised.

(*2*) When any sum of money has been borrowed or re-borrowed under sub-section (*1*),—

(*a*) no portion thereof shall, without the previous sanction of the State Government, be applied to any purpose other than that for which it was borrowed; and

(*b*) no portion of any sum of money borrowed or re-borrowed for the execution of any work shall be applied to the payment of salaries or allowances of any municipal officer or servant other than those who are exclusively employed upon the work for the construction of which the money was borrowed:

Provided that, such share of the cost on account of the salaries and allowances of municipal officers and servants employed in part upon the preparation of plans and estimates or the construction or supervision of or upon the maintenance of the account of such work as the Council may fix may be paid out of the sum so borrowed or re-borrowed.

90D. When and how loan shall be repaid.— Every loan raised by the Council under section 90C shall be repaid within the time approved under proviso to sub-section (*1*) of the said section and by such of the following methods as may be approved under the said proviso, namely :—

(*a*) by payment from a sinking fund established under section 90E in respect of the loan;

(*b*) by equal payments of principal and interest;

(*c*) by equal payments of principal;

(*d*) in the case of a loan borrowed before the appointed day by annual drawings if such method was in operation for the repayment of such loan immediately before such day;

(*e*) from any sum borrowed for the purpose under clause (*b*) of sub-section (*1*) of section 90C; or

(*f*) partly from a sinking fund established under section 90E in respect of the loan and partly from money borrowed for the purpose under clause (*b*) of sub-section (*1*) of section 90C.

90E. Maintenance and application of sinking fund.— (*1*) Whenever the repayment of a loan from a sinking fund has been sanctioned under the proviso to sub-section (*1*) of section 90C, the Council shall establish such a fund and shall pay into it, on such dates as may have been approved under the said proviso, such sum as will, with accumulations of compound interest, be sufficient after payment of all expenses to pay off the loan within the period approved:

Provided that, if at any time, the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest, it will be sufficient to repay the loan within the period approved, then with the permission of the State Government further payments into such fund may be discontinued.

(*2*) The Council may apply a sinking fund, or any part thereof, in or towards the discharge of the loan for which such fund was established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose.

90F. Investment of sinking fund.— (*1*) All money paid into a sinking fund shall within one month of the date on which the payment was due to be made under sub-section (*1*) of section 90E be invested in public securities.

(*2*) All interest and other sums received in respect of any such investment shall be paid into the sinking fund and shall, within one month of receipt, be invested in the manner provided by sub-section (*1*).

(*3*) Money standing to the credit of two or more sinking funds may, at the discretion of the Council, be invested in a common fund and it shall not be necessary for the Council to allocate the securities held in such investments among the several sinking funds.

(*4*) Any investment made under sub-section (*1*) may be varied from time to time or may be transferred from one sinking fund to another:

Provided that, the fund from which the transfer is made shall be reimbursed the value of such investment as on the date on which the transfer is made.

(*5*) During the year in which the loan for the repayment of which a sinking fund is establishment is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys

forming part of such sinking fund may be retained by the Council in such form as it thinks fit.

90G. Annual examination of sinking funds.— (*1*) all sinking funds established or maintained under this Act shall be subject to annual examination by the Director, Local Fund Accounts Audit, who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(*2*) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

(*3*) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except for any loan raised before the appointed day for which the Council is liable, which shall always be valued at par.

(*4*) The Council shall forthwith pay, into any sinking fund any amount which the Director, Local Fund Accounts Audit may certify to be deficient, unless the State Government specially sanctions a gradual readjustment.

(*5*) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit, the Director, Local Fund Accounts Audit shall certify the amount of such excess sum and the Council may thereupon transfer the excess sum to the Municipal Fund.

(*6*) If any dispute arises as to the accuracy of any certificate made by the Director, Local Fund Accounts Audit, under sub-sections (*4*) and (*5*), the Council may, after making the payment or transfer, refer the matter to the State Government whose decision shall be final.

90H. Provisions for loans raised before appointed day.— In the case of all loans raised before the appointed day for which the Council is liable, the following provisions shall apply :—

(*a*) if when such loans were raised, the loans were made repayable from sinking funds, the Council shall pay into such funds such sums on such dates as may have been fixed when the loans were raised;

(*b*) all securities and cash held on the date immediately preceding the appointed day in sinking funds established for the repayment of such loans shall be held by the Council as part of the sinking funds established under clause (*a*);

(*c*) the provisions of section 90E shall apply to such sinking funds;

(*d*) if when any such loans were raised, the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Council shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised;

(*e*) the provisions of section 90I shall apply to such loans.

90I. Attachment of Municipal Fund in default of repayment of loan.— (*1*) If any money borrowed by the Council or any interest or costs due in respect thereof is or are not repaid according to the conditions of the loan, the State Government, if it has itself given the loan, may, and in other cases shall, on the application of the lender, attach the Municipal Fund or a portion of the Municipal Fund.

(*2*) After such attachment, no person, except an officer appointed in this behalf by the State Government shall, in any way deal with the attached Fund or portion thereof, but such officer may do all acts in respect thereof which any Municipal authority, officer or servant might have done if such attachment had not taken place and may apply the proceeds in satisfaction of the arrears and of all

interest and cost due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that, no such attachment shall defeat or prejudice any debt for which the Fund or portion thereof attached was previously pledged in accordance with law, and all such prior charges shall be paid out of the proceeds of the Fund or portion thereof before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

90J. Annual statement to be prepared by Chief Officer.— (*1*) The Chief Officer shall, at the end of each year, prepare a statement showing,—

(*a*) the loans borrowed in previous years for which the Council is liable and which have not been completely repaid before the commencement of the year, with particulars of the amount outstanding at the commencement of the year, the date of borrowing and the annual loan charges;

(*b*) the loans borrowed by the Council in the year with particulars as to the amount and the date of borrowing and the annual loan charges;

(*c*) in the case of every loan for which a sinking fund is maintained, the amount of accumulation in the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year;

(*d*) the loans repaid in the year, and in the case of the loans repaid in installments or by annual drawings, the amounts repaid in the year, and the balance due at the close of the year;

(*e*) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(*2*) Every such statement shall be laid before a meeting of the Council and shall be published in the *Official Gazette* and a copy of such statement shall be sent to the State Government and to the Accountant General, Maharashtra, Mumbai.]

91. Constitution of Salary Reserve Fund.— Every Council shall build up a ‗Salary Reserve Fund' within a period of three financial years by transferring annually on or before the 31st day of December a sum equal to the total of one month's salary and allowances of all the officers and servants [1][working under the Council]. Neither during the period of three years aforesaid nor thereafter, shall it be competent for the Council to incur any expenditure from this fund, except with the previous sanction of the Collector. The Collector may give his sanction if he is satisfied that the proposed expenditure is for the payment of salaries and allowances, and cannot be incurred from the unreserved funds of the Council. Such sanction shall further be subject to the condition that no expenditure from the municipal fund shall be incurred thereafter except for the purposes specified below in order of priority, till the Salary Reserve Fund is fully recouped :—

(*a*) recoupment of the ‗Salary Reserve Fund';

(*b*) payment of salaries and allowances. The Collector shall also prescribe the period and the monthly instalment by which the said fund shall be recouped, which period in no case shall exceed six months.

[2]**[91A. Dry Latrines Conversion Fund.—** (*1*) Every Council shall create and maintain a special fund called ―the Dry Latrines Conversion Fund‖, to which shall be credited—

(*i*) the proceeds of the special latrine tax levied under clause (*e*) of sub-section (*2*) of section 105;

(*ii*) any grants or loans received from the State Government for the conversion of dry latrines into wet latrines, of which a separate account shall, however, be maintained by the Council.

1 These words were substituted for the words ―of the Council‖ by Mah. 4 of 1974, s. 20. 2 Section 91A was inserted by Mah. 45 of 1975, s. 7.

(*2*) The amount standing to the credit of this Fund shall be utilised only for the purpose of conversion of dry latrines in the municipal area into wet latrines.]

92. Provisions regarding transfer of municipal property.— (*1*) No Council shall transfer any of its immovable property without the sanction of the State Government.

[1][Provided that, where the Council has granted approval to the implementation of the *Pradhan Mantri AwasYojana* of the Central Government, on the land belonging to it, the Chief Officer shall grant lease of such land to the eligible individual beneficiary in the manner, as may be notified by the State Government.]

(*2*) A proposal of such transfer shall be accompanied by resolution of the Council passed at a meeting by a majority of not less than two-thirds of the total number of Councillors and shall in no way be inconsistent with the rules made in this behalf by the State Government.

(*3*) Notwithstanding anything contained in sub-section (*1*), a Council may lease its immovable property for a period not exceeding three years, and the lessee shall not be allowed to make any permanent constructions on such immovable property. Such lease may be renewed by the Council beyond the period of three years [2][* * * *] so, however, that the total period of any lease shall not exceed [3][nine years.]

No such lease or any renewal thereof shall be granted unless supported by a resolution passed at a meeting of the Council.

[4]**[92A. Transfer of Moveable property.—** Subject to the rules, if any, made in this behalf, the Council may transfer any of its moveable properties.]

93. Provisions relating to contracts and tenders.— (*1*) In the case—

(*a*) of every contract which will involve expenditure not covered by a budget grant;

(*b*) of every contract the performance of which cannot be completed within the official year current at the date of the contract, the sanction of the Council by a resolution passed at an ordinary meeting shall be necessary.

(*2*) (*a*) Every contract under or for any purpose of this Act shall be made on behalf of the Council by the Chief Officer.

(*b*) No such contract which the Chief Officer is not empowered by this Act to carry out without the approval or sanction of some other municipal authority shall be made by him until or unless such approval or sanction has first of all been duly given.

(*c*) No contract which will involve an expenditure exceeding [5][such amounts as may be prescribed] shall be made by the Chief Officer of ‗A' Class, ‗B' Class and ‗C' Class Council, respectively, unless otherwise authorised in this behalf by the Council, except with the [6][approval or sanction of the Standing Committee.]

[7][Provided that, for such a contract as the State Government may, by order, specify, from time to time, a committee of the President (elected in accordance with section 51, or as the case may be, directly elected under section 51A-1A) and the Chief Officer shall approve such contract, within a period of fifteen days from its receipt.]

1 This proviso was added by Mah. 75 of 2018, s. 3.

2 The words ―with the permission of the Director‖ were deleted by Mah. 18 of 1993, s. 17(*a*).

3 These words were substituted for the words ―seven years‖ by Mah. 18 of 1993, s. 17(*b*).

4 This section was inserted by Mah. 18 of 1993, s. 18.

5 These words were substituted for the letters, figures and word ―Rs. 7500, Rs. 5000 and Rs. 2,500‖ by Mah. 15 of 2012, s. 17(*a*)(*1*).

6 These words were substituted for the words ―approval or sanction of the Council‖ by Mah. 25 of 2018, s. 13(*a*)(*i*).

7 This proviso was substituted by Mah. 12 of 2020, s. 8.

(*d*) Every contract made by the Chief Officer involving an expenditure exceeding [1][75 per cent. of the limits] prescribed under clause (*c*) shall be reported by him within fifteen days after the same has been made [2][to the Standing Committee.]

(*e*) The foregoing provisions of this section shall apply to every variation or discharge of a contract to the same extent as to an original contract.

(*3*) Every contract entered into by a Chief Officer on behalf of a Council shall be entered into in such manner and form as would bind such Chief Officer if such contract were on his own behalf, and may in the like manner and form be varied or discharged:

Provided that—

(*a*) where any such contract, if entered into by a Chief Officer, would require to be under seal, the same shall be sealed with the common seal of the Council;

(*b*) every contract for the execution of any work for supply of any materials or goods which will involve an expenditure exceeding [3][such amounts as may be prescribed] shall be in writing and shall be sealed with the common seal of the Council and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(*4*) The common seal of [4][the Standing Committee] shall not be affixed to any contract or other instrument except in the presence of [5][two members of the Standing Committee or any two Councillors Councillors of the Council authorised by the President] who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(*5*) A contract not executed in the manner provided in this section shall not be binding on the Council.

(*6*) Except as is otherwise provided in sub-section (*2*), a Chief Officer, shall before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding [6][such amounts as may be prescribed] give notice by advertisement in a local local newspaper, inviting tenders for such contract:

Provided that, at least clear seven days shall be allowed to elapse between the date of the publication of the advertisement in the newspaper inviting tenders and the last date fixed for the receipt of tenders by the Chief Officer.

(*7*) The Chief Officer shall not be bound to accept any tender which may be made in pursuance of such notice, but may, with the approval of [7][the Standing Committee], accept any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(*8*) [8][The Standing Committee], after obtaining the approval of the Collector, may authorise the Chief Officer, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tenders which he may receive after having invited them.

(*9*) A Chief Officer shall require security for the due performance of every contract into which he enters under sub-section (*6*) and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

1 These figures, words, brackets and letter were substituted for the figures, words, brackets and letter ―75 per cent. of the limits in clause (*c*) but not exceeding those limits‖ by Mah. 15 of 2012, s. 17(*a*)(*2*).

2 These words were substituted for the words ―to the Council‖ by Mah. 25 of 2018, s. 13(*ii*).

3 These words were substituted for the words ―two thousand rupees‖ by Mah. 15 of 2012, s. 17(*b*).

4 These words were substituted for the words ―the Council‖ by Mah. 25 of 2018, s. 13(*b*)(*i*).

5 These words were substituted for the words ―two members of the Standing Committee‖ by Mah. 25 of 2018, s. 13(*b*)(*ii*).

6 These words were substituted for the words ―Ten Thousand rupees‖ by Mah. 15 of 2012, s. 17(*c*).

7 These words were substituted for the words ―the Council‖ by Mah. 25 of 2018, s. 13(*c*).

8 These words were substituted for the words ―the Council‖ by Mah. 25 of 2018, s. 13(*d*).

94. Bar against officers, and servants being interested in contract.— (*1*) No officer or servant of a Council shall, without the written permission of the Collector, in any way be connected with or interested in any bargain or contract made with the Council for any of the purposes of this Act.

(*2*) If any such officer or servant is so concerned or interested or, under colour of his office or employment, accepts any fee or reward whatsoever other than his proper salary or allowances, the appropriate authority may declare that he shall be incapable afterwards of holding or continuing in any office or employment under the Council.

(*3*) Nothing in this section shall bar a prosecution under the next succeeding section.

95. Penalty to Councillors, officers and servants for improper interest in contracts, etc.— (*1*) If any Councillor, or any officer or servant of a Council, is, without the written permission of the Collector, directly or indirectly interested in any contract made with such Council, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code (XLV of 1860).

(*2*) A Councillor or an officer or servant of a Council shall not, by reason only of being a shareholder in, or a member of any company, or co-operative society, be deemed to be interested in any contract entered into between the company or the society and the Council.

96. Liability of Councillors, officers and servants for loss, or damage.— (*1*) If any Councillor or an officer or servant of a Council makes or directs to be made any payment or application of any money or other property belonging to or under the control of such Council to any purpose not authorised by or under this Act, or assents to, or concurs with or participates in, any affirmative vote or proceeding relating thereto, he shall be individually liable to such Council for the loss or damage caused thereby, unless he proves that he acted in good faith and with due care and attention.

(*2*) Every Councillor or officer or servant of a Council shall be liable to such Council for the loss of any money or the loss of, or damage to, other property belonging to it or under its control, if such loss or damage is a direct consequence of his negligence or misconduct.

(*3*) No suit shall be instituted by a council against any Councillor thereof under sub-section (*1*) or sub-section (*2*), except with the previous sanction of the State Government.

(*4*) Notwithstanding anything contained in sub-section (*3*), a suit under sub-section (*1*) or sub-section (*2*) may be instituted by the State Government.

(*5*) No suit shall be instituted under this section after the expiration of six years from the date when the cause of action arose.

97. Application of municipal property and funds within and without the municipal area.— The municipal fund and all property vested in a Council shall be applied for the purposes of this Act within its area:

Provided that, it shall be lawful for the Council with the sanction of the Director or any officer duly authorised by him in this behalf—

(*a*) to incur expenditure in the acquisition of land or in the constructions, maintenance, repair or purchase of works beyond the limits of its area for the purpose of obtaining a supply of water required for the inhabitants of the municipal area or of providing the supply of electrical energy or gas for the use of the inhabitants of the municipal area or of establishing slaughterhouses or places for the disposal of night-soil or sewage or carcasses of animals or for drainage works or for the purpose of providing mechanically propelled transport facilities for the conveyance of the public or for the purpose of setting up of dairies or farms for the supply, distribution and processing of milk or milk products for the benefit of the inhabitants of the municipal area, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the municipal area; or

(*b*) to make a contribution towards expenditure incurred by any other local authority or out of any public funds for measures affecting the health, safety or convenience of the public and calculated to benefit directly the residents within the limits of the contributing Council:

Provided further that, nothing in this section or in any other provision of this Act shall be deemed to make it unlawful for a Council when with such sanction as aforesaid it has constructed works beyond the limits of the municipal area for the supply of water or electrical energy or gas or for drainage as aforesaid—

(*i*) to supply or extend to or for the benefit of any persons or buildings or lands in any place whether such place is or is not within the limits of the municipal area, any quantity of water or electrical energy or gas not required for the purposes of this Act within the municipal area, or the advantages afforded by the system of drainage works on such terms and conditions with regard to payment and to the continuance of such supply or advantages as shall be settled by agreement between the Council and such persons or the occupiers or owners of such buildings or lands, or

(*ii*) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repairs, or alteration of any connection pipes or any electric or gas supply lines or other works necessary for the purpose of such supply or for the extension of such advantages.

(*iii*) to make contributions towards the construction, establishment or maintenance of institutions referred to in clause (*t*) of sub-section (*3*) of section 49, subject to the condition that the total of such contributions in any financial year shall not exceed two per cent. of the general revenues (excluding Government Grants) of the Council for the previous financial year:

Provided that such contributions may, with the prior approval of the State Government, exceed two per cent. but not five per cent. of such revenues.

98. Special Provision regarding loan of fire fighting equipment, etc.— It shall not be necessary for a Council to obtain sanction of the Director under the last preceding section, if the Council, in an emergency, decides to give on loan its fire fighting equipment, road-roller, bull-dozer or ambulance car to any other local authority in the District. The terms and conditions of the loan shall be such as the Council and the borrowing local authority may mutually agree.

99. Power to deposit and invest surplus funds.— (*1*) It shall be lawful for a Council to deposit, with the State Bank of India or such other Bank as may hereafter be appointed to conduct the business of Government treasury or in any other scheduled bank or with the sanction of the State Government in any co-operative bank in the State of Maharashtra, [1][or to deposit with the State Government or with any statutory Corporation approved by the State Government] any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities in the name of the Council, and from time to time, to dispose of such securities as may be necessary.

(*2*) All surplus funds over and above what may be required for current expenses, unless deposited or invested as provided for in sub-section (*1*), shall be deposited in the local Government treasury or such other place of security as may be approved by the Collector.

100. Power [2][* *] to compromise suits.— Subject to rules made under this Act, [3][the President may, on behalf of a Council,] compromise any suit instituted by or against it, or any claim or demand arising out of any contract entered into by it in accordance with this Act for such sum of money or other compensation as shall be deemed sufficient. [4][When any such compromise is made, the President President shall forthwith submit to the Council a report of the action taken by him indicating therein *inter alia* the reasons for which such action was considered necessary.]

1 These words were inserted by Mah. 7 of 1986, s. 6.

2 The words ―of Council‖ were deleted by Mah. 4 of 1974, s. 21(*c*).

3 These words were substituted for the words ―a Council may‖ by Mah. 4 of 1974, s. 21(*a*). 4 This portion was added by Mah. 4 of 1974, s. 21(*b*).

[1]**[100A. Application of Government Premises (Eviction) Act to municipal premises, with certain modifications.—** With effect from such date and in such municipal areas as the State Government may, by notification in the *Official Gazette*, specify, the [2]Bombay Government Premises (Eviction) Act, 1955 (Bom. II of 1956) and the rules made thereunder, from time to time, shall apply *mutatis mutandis*, to municipal premises in those areas as it applies to Government premises, subject to the modifications mentioned in Schedule IA.]

CHAPTER VIII

BUDGET AND ACCOUNTS

101. Budget.— (*1*) The Chief Officer shall each year [3][before the 31st day of December prepare, [4][* * *], the annual budget containing]—

(*i*) a statement showing the income and expenditure of the Council for the previous financial year;

(*ii*) a statement showing the income and expenditure of the Council from the 1st day of April to the 30th day of November of the financial year then current and an estimate of the income and expenditure for the remaining portion of the current year;

[5][(*iii*) two estimates of the income and expenditure of the Council during the ensuing financial year and an estimate of the closing balance in the municipal fund at the end of the current year, as follows, namely :—

(*a*) an estimate ‗A' of income and expenditure of the Council for the purposes of Chapters other than Chapters XIII and XIV;

(*b*) an estimate ‗B' of income and expenditure of the Council for the purposes of Chapters XIII and XIV, in which the Chief Officer shall,—

(*i*) propose with reference to the provisions of Chapter IX such rates and extent of such municipal taxes as he thinks fit for the purposes of Chapter XIII and XIV;

(*ii*) state the estimate of receipt of the aforesaid taxes or of any other receipts;

(*iii*) provide for payment as they fall due, of all sums and of all installments of principal and interest for which the Council may be liable under this Act in respect of matters falling under Chapter XIII and XIV;

(*iv*) provide for such expenditure, if any, as he considers necessary to be incurred by the Council in the next ensuing financial year for the purposes of Chapters XIII and XIV:]

[6][Provided that a separate estimate of the income and expenditure of the Council during the ensuing financial year in respect of the services, under Chapter XIII and Chapter XIV, shall be prepared;]

(*iv*) proposals for any change in the taxes, fees or other charges to be levied for the ensuing year.

[7][(*1A*) The Chief Officer shall, while preparing the statement referred to in clause (*i*) of sub-section (*1*) append thereto a report indicating whether the following services were being provided in a subsidised manner and, if so, the extent of the subsidy, the source from which the subsidy was met

1 Section 100A was inserted by Mah. 11 of 1983, s. 9.

2 Now, the short title of the Bombay Government Premises (Eviction) Act, 1955 was amended as Maharashtra Government Premises (Eviction) Act by Mah. XXIV of 2012, Schedule, with effect from the 1st May 1960.

3 This portion was substituted for ―on or before the 31st day of December prepare and place before the Standing Committee‖ by Mah. 4 of 1974, s. 22(*1*)(*a*).

4 The words ―under the direction of the President‖ were deleted by Mah. 25 of 2018, s. 14.

5 Clause (*iii*) was substituted by Mah. 15 of 2012, s. 18(*a*).

6 This proviso was added by Mah. 41 of 1994, s. 148(*a*).

7 Sub-section (*1A*) was inserted by Mah. 41 of 1994, s. 148(*b*).

and the sections or categories of the local population who were the beneficiaries of such subsidy, namely :—

(*a*) water supply and disposal of sewage,

(*b*) scavenging, transporting and disposal of wastes,

(*c*) municipal transport, and

(*d*) street lighting.

Explanation.— A service shall be construed as being provided in a subsidised manner if its total cost, comprising the expenditure on operation and maintenance and adequate provision for depreciation of assets and for debt servicing, exceeds the income relatable to the rendering of that service.]

(*2*) Such statements and estimates shall be prepared under such heads of account in such form as may be prescribed under the Municipal Account Code framed under sub-section (*1*) of section 102.

1[(*2A*) The President shall on or before the 31st day of December place before the Standing Committee the budget prepared under sub-sections (*1*) and (*2*) and call a meeting of the Standing Committee on or before the 15th day of January to consider the said budget. No business other than consideration of the budget shall be transacted at such meeting which shall be continued, if necessary, from time to time, upto the 31st day of January.

(*2B*) If the President fails to place the budget before the Standing Committee or call a meeting of that Committee by the dates specified under sub-section (*2A*), the Collector shall, on receipt of an intimation to that effect from the Chief Officer or a Councillor, or *suo motu*, cause the budget to be prepared and placed before the Standing Committee through the Chief Officer, as soon as possible, at a meeting called by the Collector for that purpose.]

(*3*) The Standing Committee shall consider the estimates and the proposals of the Chief Officer and submit them to the Council with such recommendations as it may deem fit to make, before the 31st day of January:

Provided that, if the Standing Committee fails to make its recommendations before the 31st day of January, the President shall place the statements and estimates before the Council without the recommendations of the Standing Committee.

(*4*) The Council shall consider the estimates prepared by the Chief Officer and the recommendations of the Standing Committee, if any, and adopt the budget estimates with or without modifications not later than the 28th day of February:

2[Provided that, when a Council is indebted to Government or Government has guaranteed any loan raised by a Council in the open market or otherwise, the budget of the Council shall be adopted only with the previous sanction of the Collector who shall accord such sanction strictly in accordance with the general or special directions of the Director in this behalf:]

Provided further that, nothing in the first proviso shall be deemed to prevent the Council during first quarter of the financial year or till the budget is sanctioned whichever is earlier, from paying from its municipal fund, cost of the sanctioned establishment and contingencies:

3[Provided also that, if the Council fails to adopt the budget on or before the 28th day of February, February, the President shall forthwith submit the budget to the 4[Collector] for his approval. The 5[Collector] shall, within thirty days from its receipt, approve such budget with or without modifications, or return it to the President, with such direction as he may think fit to give, for reconsideration. When any such budget is approved by the 6[Collector] it shall be deemed to have been been duly sanctioned.]

1 Sub-sections (*2A*) and (*2B*) were inserted by Mah. 4 of 1974, s. 22(*i*)(*b*). 2 This proviso was substituted by Mah. 18 of 1993, s. 20(*a*).

3 This proviso was inserted by Mah. 4 of 1974, s. 22(*1*)(*c*).
4 This word was substituted for the word ―Director‖ by Mah. 18 of 1993, s. 20(*b*). 5
This word was substituted for the word ―Director‖ by Mah. 18 of 1993, s. 20(*b*). 6
This word was substituted for the word ―Director‖ by Mah. 18 of 1993, s. 20(*b*).

(*5*) No budget shall be approved by the Council unless provision is made therein—

(*a*) for the payment as they fall due of all sums and of all instalments of principal and interest for which the Council may be liable under this Act or any other law for the time being in force;

(*b*) for the payment of contribution to the special funds constituted under this Act such as the Salary Reserve Fund and 1[The consolidated Water Supply and Sewage Disposal Project Fund and the Water and Sewage Fund established under sections 90A and 90B] Fund;

(*c*) for the payment of salaries and allowances of the officers and servants 2[working under the Council;]

3[(*ca*) for an amount equal to such per cent. of the estimated current revenues of the Council as the State Government may, by general or special order, directs for improving the living and working conditions of its sanitary staff;]

(*d*) for a minimum cash balance at the end of the year (exclusive of the balance, if any, in any statutory fund) of such amount as may be prescribed by rules by the State Government.

(*6*) The budget so sanctioned may be varied or altered by the Council, from time to time, as circumstances may render desirable:

Provided that, the Standing Committee or any other Committee appointed under this Act may within the budget so sanctioned, sanction re-appropriations not exceeding such limits as may in respect of each class of Council be prescribed by rules, from one sub-head to another or from one minor head to another under the same major head and controlled by the same Committee. A statement of such re-appropriations shall be submitted to the Council at its next meeting:

Provided further that, no such re-appropriations shall be done from the amounts earmarked towards the repayment of any loan and interest thereon and towards contributions to any fund or funds constituted under the provisions of this Act.

(*7*) (*a*) Save in an emergency, no sum shall be expended by or on behalf of any Council unless such sum is included in the budget for the time being in force.

(*b*) If any sum which is not so included in the budget, is expended in an emergency ; the circumstances in which such sum was expended shall forthwith be reported by the President to the Council and the Collector, with an explanation of the way in which it is proposed to cover such extra expenditure.

102. Municipal accounts.— (*1*) Accounts of the receipts and disbursements of every Council shall be kept in accordance with the rules contained in the Municipal Account Code prescribed by the State Government and shall be placed before the Council in the prescribed manner.

(*2*) After the end of each official year the Chief Officer shall arrange to get prepared, and if so required by section 104 get audited by the Municipal Auditor, the accounts of the Council for the year and shall place them before the Council not later than the 30th day of June of the following year.

(*3*) An abstract of the annual accounts as passed by the Council showing the receipts and disbursements of the municipal fund under each head of receipt and disbursement, the charges for establishment, the balance, if any, of the fund remaining unspent, and such other information as may be required by the State Government shall be forwarded by the Council to the Director, not later than the 31st day of July of the next financial year.

103. Publication of accounts.— The quarterly and annual accounts, receipts and disbursements, and the budget when sanctioned, shall he open to inspection by any adult inhabitant in the municipal area.

A note to that effect that a statement of such accounts and the budget are so kept for inspection shall fee published in the local newspapers.

1 These words, figures and letters were substituted for the words ―Water Supply Reserve Fund‖ by Mah. 15 of 2012, s. 18(*b*).

2 These words were substituted for the words ―of the Council‖ by Mah. 4 of 1974, s. 22(*1*)(*d*). 3 Clause (*ca*) was inserted by Mah. 45 of 1975, s. 8.

104. Audit of accounts.— (*1*) The provisions of the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930), shall apply to the audit of accounts of every Council, subject to the modification that the powers conferred and duties imposed by that Act on the Commissioner may in regard to such audit be exercised and performed also by the Director.

(*2*) In addition to the audit provided for under the provisions of the said Act—

(*a*) an ‗A' Class or ‗B' Class Council shall make arrangements for the audit of its accounts by a Municipal Auditor at such intervals and in such manner as may be prescribed;

(*b*) a ‗C' Class Council may, or if so required by the State Government shall, make arrangements for the audit of its accounts at such intervals in such manner and by such agency as may be prescribed.

(*3*) The auditor shall, for the purposes of audit have access to all the accounts and relevant records of the Council.

CHAPTER IX

MUNICIPAL TAXATION

(1) *Imposition of compulsory and voluntary taxes*.

105. Imposition of compulsory taxes.— (*1*) Subject to any general or special orders which the State Government may make in this behalf, a Council shall impose, for the purposes of this Act, the taxes listed below :—

(*a*) a consolidated property tax on lands or building or both situated within municipal area, based on their rateable value 1[or their capital value, as the case may be,] and determined in accordance with section 114;

(*aa*) 2[***]

(*b*) 3[***]

(*c*) 4[****]

5[(*d*) a tax on cinemas, theatres, circuses, carnivals and other performance and show;]

(*e*) 6[* * *]:

Provided that, the maximum and minimum rates at which the taxes aforesaid shall be levied in different classes of municipal areas and other matters relating to imposition, assessment, collection and exemptions thereof shall be such as may be prescribed by rules:

7[Provided further that the consolidated property tax] 8[or all or any of the property taxes] may be be imposed on a graduated scale:]

9[Provided also that, the Council may determine different rates of tax for different categories of users of a building or land or a part thereof.]

(*2*) The consolidated tax on property shall include—

(*a*) a general tax;

(*b*) a general water tax;

1 These words were inserted by Mah. 10 of 2010, s. 85(*1*)(*a*).
2 Clause (*aa*) was deleted by Mah. 42 of 2017, s. 51.
3 Clause (*b*) was deleted by Mah. 31 of 1999, s. 4.
4 Clause (*c*) was deleted by Mah. 16 of 1975, Schedule II.
5 Clause (*d*) was substituted for the original by Mah. 14 of 1966, s. 7.
6 Clause (*e*) was deleted by Mah. 42 of 2017, s. 51.
7 This proviso was added by Mah. 41 of 1994, s. 149.
8 These words were inserted by Mah. 10 of 2010, s. 85(*1*)(*b*).
9 The proviso was added by Mah. 27 of 2010, s. 16.

(*c*) a lighting tax;

(*d*) a general sanitary tax;

1[(*e*) a special latrine tax;]

2[(*f*) a fire tax;]

3[(*g*) an environment tax;]

4[(*h*) Water benefit tax;

(*i*) Sewerage benefit tax;

(*j*) Street tax;]

5[(*3*) For the purposes of levy of property taxes, the expression ―building‖ includes flat, a gala, a unit or any portion of buildings.

(*4*) Notwithstanding anything contained in any other provisions of this Act, the Council may pass a resolution to adopt levy of property tax on buildings and lands within the municipal area on the basis of capital value of the buildings and lands on and from such date, and at such rates, as the council may determine in accordance with the provisions of this Act:

Provided that, for the period of five years from the date from which such property tax is levied on capital value, the tax shall not exceed,—

(*i*) in respect of building used for residential purposes, two times, and

(*ii*) in respect of building or land used for non-residential purposes, three times,

the amount of the property tax leviable in respect thereof in the year immediately proceeding such date:

6[Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof were on the basis of annual letting value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso, it shall be lawful for the Chief Officer to ascertain such tax leviable during such immediately preceding year as if such building or portion thereof were self-occupied and had been so entered in the assessment book:]

Provided 7[also] that, the property tax levied on the basis of capital value of any buildings or lands on revision made under sub-section (*3*) of section 114 shall not in any case exceed forty per centum of the amount of the property tax payable in the year immediately preceding the year of such revision:

Provided also that, for the period of five years commencing from the year of adoption of capital value as the base, for levy of property tax under this sub-section, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. meters (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.— For the purposes of this section, after the Council adopts the capital value as the basis of levy of property tax, the property tax in respect of any taxable building shall be revised after

1 Clause (*e*) was inserted by Mah. 45 of 1975, s. 9.

2 Clause (*f*) was added by Mah. 26 of 1990, s. 4.

3 Clause (*g*) was added by Mah. 18 of 1993, s. 21.

4 Clauses (*h*) to (*j*) were added by Mah. 15 of 2012, s. 19.

5 Sub-sections (*3*) to (*5*) were added by Mah. 10 of 2010, s. 85(*2*).

6 This proviso was added by Mah. 11 of 2011, s. 14(*a*).

7 This word was substituted for the word ―further‖ by Mah. 11 of 2011, s. 14(*b*).

every five years and on each such revision, such amount of property tax, shall not in any case exceed the forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision.

(*5*) Save as otherwise provided in this Act, it shall be lawful for the Council to continue to levy all or any of the property taxes or the consolidated tax on property on the basis of rateable value of lands and buildings until the Council adopts levy of any or all the property taxes or the consolidated tax on property on such lands and buildings on the basis of capital value thereof under sub-section (*4*).]

106. Loss of income from tax due to exemption to be reimbursed by Government.— If under any special or general order issued under sub-section (*1*) of the last preceding section, the State Government grants exemption in respect of any class of property or persons from levy of the taxes specified in sub-sections (*1*) and (*2*) of that section, the State Government may under appropriation duly made by law in this behalf, annually reimburse to the Council concerned and amount approximately equal to the loss that the Council there incurs. The decision of the State Government regarding—

(*i*) the mode of assessing the loss; and

(*ii*) the amount of loss incurred by each Council concerned each year, shall be final.

1[**106A. Temporary provision for levying general tax at reduced rate in area of *Zilla Parishad* included in 2[a smaller urban area].—** (*1*) Notwithstanding anything contained in section 105 or any other provisions of this Act, whenever—

(*a*) a new 3[smaller urban area] is declared under sub-section (*1*) of section 3 comprising, wholly or partly, of an area of a *Zilla Parishad*; or

(*b*) the limits of a 4[smaller urban area] are altered under clause (*a*) of sub-section (*1*) of section so as to include any area of *Zilla Parishad*, then the general tax shall be levied on buildings and lands in the former *Zilla Parishad* area during the period specified in column 2 of the Table hereto appended at the amounts specified against them in column 3 thereof, and such amounts shall not be liable to be increased under section 147 or any other provisions of this Act during the said periods.

TABLE

Serial No.	Period	Amount of general tax
) 1 (	) 2 (	) 3 (
1	Period from the date of inclusion of the area in the 5[smaller urban area] upto and inclusive of 31st March of the second year following the year in which the area is included in the 6[smaller urban area].	The amount calculated at the rate for tax on lands and buildings payable in the are immediately before the inclusion in the 7[smaller urban area], under clause (*i*) of sub-section (*1*) of section 124 of the

1 Section 106A was inserted by Mah. 18 of 1993, s. 22.

2 These words were substituted for the words ―a municipal area‖ by Mah. 41 of 1994, s. 150(*b*).

3 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*).

4 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*). 5 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*). 6 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*). 7 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*).

		Bombay Village Panchayats Act, 1958 [1](Bom. III of or clause (*e*) of section 157 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), as the case may be (hereinafter in this Table referred to as ―the amount of tax payable in the *Zilla Parishad* area‖].
2	Period of one year following the period referred to in entry 1.	20 per cent of the amount of general tax payable in the [2][smaller urban area] or the amount of tax payable in the *Zilla Parishad* area, whichever is more.
3	Period of one year following the period referred to in entry 2.	40 per cent of the amount of general tax payable in the [3][smaller urban area] or the amount of tax payable in the *Zilla Parishad* area, whichever is more.
4	Period of one year following the period referred to in entry 3.	60 per cent of the amount of general tax payable in the [4][smaller urban area] or the amount of tax payable in the *Zilla Parishad* area, whichever is more.
5	Period of one year following the period referred to in entry 4.	80 per cent of the amount of general tax payable in the [5][smaller urban area] or the amount of tax payable in the *Zilla Parishad* area, whichever is more.
6	Any period after the expiry of the period referred to in entry 5.	The same amount of general tax as in force and payable in the general tax as in force and payable in the remaining area of the [6][smaller urban area].

(*2*) The Council shall spend at least one-third of the per-capita expenditure incurred in the municipal area for the year immediately preceding the year of inclusion of the *Zilla Parishad* area or any such higher amount as may be convenient on development works in the newly included area for the period mentioned in entries 1 to 5 in the Table in sub-section (*1*).]

[7][**106B. Transitory provisions in respect of property tax on capital value.—** (*1*) Where a Council passes a resolution to adopt levy of property taxes on buildings and lands in the municipal area, on the basis of capital value of buildings and lands, notwithstanding anything contained in any other provisions of this Act, the following provisions shall apply in the official year in which such tax on the basis of capital value of buildings and lands is levied, namely :—

(*i*) until the capital value of the buildings and lands in the municipal area are fixed, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year and it shall be lawful for the Council to issue a provisional bill for tax accordingly;

1 The short title was amended as ―the Maharashtra Village Panchayats Act (III of 1959)‖ by Mah. XXIV of 2012, Schedule with effect from the 1st May 1960.

2 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*). 3 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*). 4 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*). 5 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*). 6 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 150(*a*). 7 Section 106B was inserted by Mah. 11 of 2011, s. 15.

(*ii*) on fixation of the capital value of the buildings and lands, the Council shall issue a final bill of assessment of property taxes;

(*iii*) after such final assessment, if it is found that the assessee has paid excess amount, such excess shall be refund within three months from the date of issuing the final bill, alongwith interest from the date of final bill, or after obtaining the consent of the assessee, shall be adjusted towards payment of property taxes due, if any, for the subsequent years; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.

(*2*) The provisions of this section shall cease to operate after expiry of the official year in which the Council has decided to levy property tax on the basis of capital value of buildings and lands.]

107. Provision for exempting 'C' Class Councils from levying certain taxes temporarily.—If a ‗C' Class Council, by a resolution passed at a meeting by a majority of not less than two-thirds of the total number of the Councillors decides that, for reasons to be specified in such resolution it cannot levy and of the taxes specified in sub-sections (*1*) and (*2*) of section 105, the State Government may exempt such Council partially or fully from levying such tax or taxes for a period to be specified by the State Government in that behalf. The Council shall not in such a case be entitled to any reimbursement of losses as provided in the last preceding section.

108. Other taxes which Council may impose.— Subject to any general or special order which the State Government may make in this behalf, a Council may impose, for the purposes of this Act any of the following taxes, namely :—

(*a*) a tax on all vehicles (excluding motor vehicles as defined in the [1](Motor Vehicles Act, 1939), boats or animals used for riding, draught or burden and kept for use within the municipal area, whether they are actually kept within or outside such area;

(*b*) a tax on vehicles [2][excluding motor vehicles save as provided in section 20 of the [3]Bombay Motor Vehicles Tax Act, 1958)] and animals used as aforesaid, entering the municipal area but not liable to taxation under clause (*a*);

(*c*) a tax on dogs kept within the municipal area;

(*d*) a special sanitary tax upon private latrines, premises or compounds cleaned by municipal agency, after notice given as hereinafter required;

(*e*) a drainage tax;

(*f*) a special water tax for water supplied by the Council in individual cases, charges for such supply being fixed in such mode or modes as shall be best suited to the varying circumstances of any class or of any individual case;

(*g*) a tax on pilgrims resorting periodically to a shrine within the limits of the Council;

(*h*) a special educational tax;

(*i*) any other tax [4][not being a tax on professions, trades, callings and employments] which under the Constitution of India the State Legislature has power to impose in the State:

Provided that, no special sanitary tax in respect of private latrines, premises or compounds shall be levied, unless and until the Council has—

(*i*) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

1 Now *see* the Motor Vehicles Act, 1988 (59 of 1988).

2 These brackets, words and figures were inserted by Mah. 43 of 1969, s. 17.

3 The short title was amended as ―the Maharashtra Motor Vehicles Tax Act (LXV of 1958) by Mah. XXIV of 2012, Schedule, entry 69, with effect from the 1st May 1960.

4 These brackets and words were inserted by Mah. 16 of 1975, Schedule II.

(*ii*) issued either severally to the persons to be charged, or generally to the inhabitants of the municipal area or part thereof to be charged with such tax, one month's notice of the intention of the Council to perform such cleansing and to levy such tax.

1**[108A. Fees.—** Subject to any general or special orders which the State Government may issue in this behalf, a Council may impose, for the purpose of this Act, the following fees, namely :—

(*a*) a parking fee for the parking of vehicles on public streets and public places, at different rates for different vehicles, for different areas or localities or parts thereof, for different periods, as may be determined by the Council by bye-laws;

(*b*) a fee for the use of public streets and pavement spaces for which a licence may be granted by the Council, at different rates for different areas or localities or parts thereof as may be determined by the Council by bye-laws.]

109. Procedure preliminary to imposing tax under section 108 2[and fees under section 108A].— A Council before imposing any of the taxes referred to in section 108 3[and fee referred to in section 108A] shall observe the following preliminary procedure :—

(*a*) it shall, by resolution passed at a special meeting, select for the purpose one or other of the taxes specified in that section and approve the bye-laws concerning the tax selected, and in such bye-laws specify—

(*i*) the classes of persons or of property or of both, which the Council proposes to make liable, and any exemptions which it proposes to make;

(*ii*) the amount or rate at which the Council proposes to asses each such class;

(*iii*) the mode of levying and recovering the tax and the dates on which it or instalments (if any) thereof shall be payable;

(*iv*) all other matters which the State Government by rules made in this behalf may require to be specified therein;

(*b*) when such a resolution is passed, the Council shall take further action to obtain the previous sanction of the State Government to the bye-laws under section 322.

110. Discretionary tax when sanctioned not to be abolished without previous sanction of Government.— After the bye-laws in respect of any discretionary tax are sanctioned by the State Government under the last preceding section, such tax shall be brought into force on or after a date to be specified by the State Government in its sanction. Such a tax shall not then be abolished without the previous sanction of the State Government.

111. Local publication of bye-laws relating to taxes, with notice.—4[The bye-laws referred to in sections 109 and 110, as sanctioned and published in the *Official Gazette*, shall be displayed by the Council on its notice board in the municipal office. The Council shall also publish a notice in the prescribed from in local news paper informing the inhabitants of the municipal area of the subject matter of the bye-laws so displayed and the date on which they shall come into force. Such date shall, however, be not less than thirty days from the date of publication of such notice:]

Provided that,—

(*a*) a tax leviable by the year shall not come into force except on one of the following days, namely the first day of April, the first day of July, the first day of October or the first day of January in the year; and if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing.

1 Section 108A was inserted by Mah. 41 of 1994, s. 151.

2 These words were added by Mah. 41 of 1994, s. 152(*b*).

3 This portion was inserted by Mah. 41 of 1994, s. 152(*a*).

4 This portion was substituted by Mah. 45 of 1975, s. 10.

(*b*) if levy of a tax, or a portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards recovery of arrears which may have become due during that period.

112. Council may vary rate of tax within prescribed limits.— (*1*) Notwithstanding any rule, bye-law or resolution specifying the amount or rate at which a tax is leviable, a Council may, by a resolution passed at a special meeting, decide to increase or reduce the amount or rate at which such tax is leviable and to that extent the bye-laws already sanctioned by the State Government shall be deemed to have been suitably amended with effect from the date specified in the notice referred to under sub-section (*2*):

Provided that,—

(*a*) such increase or reduction shall be within the maximum and minimum limits fixed in respect of such tax under [1][the provisions of this Act or of the rules;]

[2][* * * * *]

(*2*) When a Council has by a resolution decided to increase or reduce the amount or rate at which any tax is leviable, the Council shall publish in the municipal area the resolution together with notice specifying a date, which shall not be less than thirty days from the date of publication of such notice, from which the amount or rate at which any tax is leviable shall be increased or reduced. The tax at the amount or rate so increased or reduced shall be leviable from the date specified in such notice. [3][When the rate at which any tax is leviable is increased by publication of the resolution under this section, it shall not be necessary to give any separate notice thereof to the owners or occupiers of the properties affected thereby.]

(2) *Assessment and liability to tax on buildings and lands.*

113. Appointment of authorised Valuation Officer.— (*1*) The State Government may by notification in the *Official Gazette*,—

(*a*) appoint such officers of the Town Planning and Valuation Department as it thinks fit to be authorised Valuation Officers for the purposes of this Act; and

(*b*) define the municipal areas within which such officers shall exercise the powers conferred and perform the duties imposed upon them by or under this Act.

(*2*) Each Council shall every year pay to the State Government such sum out of its revenue for the services rendered or to be rendered in that year by any authorised Valuation Officer or Officers for its purposes, as the State Government may by general or special order determine.

(*3*) Till such time as an authorised Valuation Officer is appointed for any municipal area, the powers conferred and duties imposed by or under this Act on such officer shall in that area be exercised and performed by the Standing Committee.

114. Rateable value how to be determined.— (*1*) In order to fix the rateable value of any building or land assessable to a property tax, there shall be deducted from the amount of rent for which such building or land might reasonably be expected to let, or for which it is actually let, from year to year, whichever is greater, a sum equal to ten per centum of the said annual rent, and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever:

[4][Provided that, the State Government may prescribe the manner to determine the amount of rent for which any building or land might reasonably be expected to let, in order to fix the rateable value of any such building or land assessable to a property tax.]

(*2*) The value of any machinery contained or situate in or upon any building or land shall not be included in the rateable value of such building or land.

1 These words were inserted by Mah. 10 of 2011, s. 86.

2 Paragraph (*b*) was deleted by Mah. 45 of 1975, s. 11.

3 This portion was added by Mah. 32 of 1983, s. 2.

4 This proviso was substituted by Mah. 21 of 1996, s. 2.

115. Preparation of assessment list.— (*1*) When a tax on building or land or both is imposed, the Chief Officer shall cause an assessment list of all buildings or lands or lands and buildings in the municipal area to be prepared in the prescribed form.

(*2*) For the purpose of preparing such assessment list, the Chief Officer or any person acting under his authority may inspect any building or land in the municipal area and on the requisition of the Chief Officer, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribe with his signature the name and place of abode of the owner or occupier or of both and the annual rent, if any, obtained and his estimate of the value of such building or land.

116. Person primarily liable for a property tax how to be designated of his name cannot be ascertained. — (*1*) When the name of the person primarily liable for the payment of a tax on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment book, and in any notice which it may, be necessary to serve upon the said person under this Act, ―the holder‖ of such premises, without further description.

(*2*) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all taxes on buildings or lands or both leviable on the premises of which he is in occupation.

117. Authorised Valuation Officer to check assessment.— When the list of assessment has been completed by the Chief Officer, he shall submit the same to the authorised Valuation Officer appointed by the State Government for the municipal area. The authorised Valuation Officer shall verify the assessment as done by the Chief Officer, if necessary by inspection of properties concerned, and return the list duly checked and corrected to the Chief Officer within a period of two months.

118. Publication of notice of assessment list.— When the list of assessment is returned by the authorised Valuation Officer under the last preceding section, the Chief Officer, shall give public notice thereof and of the place where the list or copy thereof may be inspected; and every person claiming to be either the owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

119. Public notice of time fixed for lodging objections.— (*1*) The Chief Officer, shall at the time of the publication of the assessment list under the last preceding section, give public notice of a date not less than thirty days, after such publication, before which objections to the valuation or assessment in such list shall be made; and in all cases in which any property is for the first time assessed or [1][the assessment is increased, otherwise than by way of increase in the rate at which any tax is leviable,] he shall also give notice thereof to the owner or occupier of the property, if known, and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous position on the property.

(*2*) Objections to the valuation and assessment on any property in such list shall, if the owner or occupier of such property desires to make an objection, be made by such owner or occupier or any agent of such owner or occupier to the Chief Officer before the time fixed in the aforesaid public notice, by application in writing, stating the grounds on which the valuation or assessment is disputed; all applications so made shall be registered in a book to be kept by the Chief Officer for the purpose.

120. Objection how to be dealt with.— After the period given in the public notice referred to in section 118 expires the Chief Officer shall forward to the authorised Valuation Officer for the municipal area, the assessment list along with objections received. The authorised Valuation Officer shall investigate and dispose of the objections after allowing the objector an opportunity of being heard in person or by agent and cause the result thereof to be noted in the book kept under the last preceding section and cause any amendment necessary in accordance with such result to be made in the assessment list:

[1] These words were substituted for the words ―the assessment is increased,‖ by Mah. 32 of 1983, s. 3.

Provided that, before any such amendment is made the reasons therefor shall be recorded in the book aforesaid.

121. Authentication of list of assessment.— (*1*) The list so finally made by the authorised Valuation Officer shall be authenticated by him under the seal of his office and his signature and he shall endorse a certificate thereon that no valid objections has been made to the valuation and assessment contained in the list, except in cases in which amendments have been made therein.

(*2*) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property entered therein or to the agents of such persons, and a notice that it is so open [1][shall be published before the 31st day of July of the official year to which the list relates:

Provided that, the Collector may, for reasons to be recorded, allow the publication of such notice at a later date, but not later than the 31st day of December of the official year aforesaid.]

122. Authentic list how far conclusive.— Subject to such alterations as may be made therein under the provisions of the next succeeding section and to the result of any appeal or revision made under section 169 or 171, the entries in the assessment list so authenticated and deposited and the entries, if any, inserted in the said list under the provisions of the next succeeding section shall be accepted as conclusive evidence—

(*i*) for the purposes of all municipal taxes, of the valuation, or annual rent, on the basis prescribed in section 114 of buildings or lands or both buildings and lands to which such entries respectively refer; and

(*ii*) for the purposes of the tax for which such assessment list has been prepared of the amount of the tax leviable on such buildings or lands or both buildings and lands in any official year in which such list is in force.

123. Amendment of assessment list.— (*1*) The Chief Officer, in consultation with the authorised Valuation Officer, may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month [2]from the date of service of such notice, before which any objection to the alteration should be made.

(*2*) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by section 119 shall be dealt within in all respects as if it were an application under the said section.

(*3*) An entry or alteration made under this section shall subject to the provisions of sections 169 and 171 have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as

1 This portion was substituted for the words ―shall be forthwith published‖ by Mah. 45 of 1975, s. 12.

2 Section 5 of the Mah. 32 of 1983 reads as under :—

―5. Validation of certain taxes levied and collected without notice of increase of rate of tax to owners and occupiers of properties.— Notwithstanding anything contained in the principal Act or in any rules or by laws made thereunder or in any judgment, decree or order of any Court, any taxes levied and collected in accordance with the provisions of the principal Act by any Council on and after the 1st April 1981, without giving any notice to the owners and occupiers of the properties of any increase made in the rate at which any tax is leviable or of the increased assessment of their properties due to any such increase in the rate of the tax, shall be deemed to be validly levied and collected and shall be deemed always to have been valid, and shall not be called in question in any Court on the ground only that any such notice was not given before the

tax at the higher rate was levied and collected. No suit or other proceeding shall be maintained or continued in any Court for the refund of any amount of tax so levied and collected‖.

the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

[1]**[124. Preparation of new assessment list and periodical revision of rateable values.—** (*1*) It shall not be necessary to prepare a new assessment list every year, subject to the provisions of sub-section (*2*), the Chief Officer may adopt the preceding years assessment list for the new year, with such alterations as he thinks fit to make:

Provided that—

(*i*) a notice under sub-section (*1*) of section 119 shall be given in all cases in which any property is for the first time assessed or [2][the assessment is increased, otherwise than by way of increase in the rate at which any tax is leviable;]

(*ii*) a notice under sub-section (*2*) of section 121 shall be published about the adoption of the list.

(*2*) The revision of the rateable values of all properties in the municipal area shall, as far as possible, be done once in four years, and once done shall remain in force until they are revised under this sub-section. Subject to the rules, if any, made in this behalf, the Chief Officer may undertake the work of revision of rateable values for the whole municipal area at one time, or may divide the municipal area into suitable divisions and may undertake the work of revision for each division at such time as he deems fit, but the revision of the rateable values of all properties in the municipal area shall, as far as possible, be completed in four years:]

[3][Provided that, the State Government may, at any time, in the public interest, issue directions to a Council to carry out revision of the rateable values of all properties in the municipal areas and such directions shall be binding on the Council.]

125. Primary responsibility for property taxes on whom to rest.— (*1*) Subject to the provisions of sub-section (*2*), property taxes assessed upon any premises shall be primarily leviable as follows, namely :—

(*a*) if the premises are held immediately from the Government or from the Council, from the actual occupier thereof:

Provided that, property taxes due in respect of buildings vesting in the Government and occupied by servants of the Government or other persons on payment of rent shall be leviable primarily from the Government;

(*b*) if the premises are not so held—

(*i*) from the lessor if the premises are let;

(*ii*) from the superior lessor if the premises are sub-let;

(*iii*) from the person in whom the right to let the premises vests if they are unlet.

(*2*) If any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or any person deriving title from the said tenant by the operation of law or by assignment or transfer but not by sub-lease or the legal representative of the said tenant or person whether the premises be in the occupation of the said tenant or person or legal representative or a sub-tenant.

126. When occupiers may be held liable for payment of property taxes.— (*1*) If the sum due on account of any property tax remains unpaid after a bill for the same has been duly served upon the person primarily liable for the payment thereof and the said person be not the occupier for the time

1 Section 124 was substituted by Mah. 45 of 1975, s. 13.

2 These words were substituted for the words ―the assessment is increased‖ by Mah. 32 of 1983, s. 4. 3 This proviso was added by Mah. 21 of 1996, s. 3.

being of the premises in respect of which the tax is due, the Chief Officer may serve a bill for the amount upon the occupier of the said premises, or, if there are two or more occupiers thereof, may serve a bill upon each of them for such portion of the sum due as bears to the whole amount due to the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(*2*) If the occupier or any of the occupiers fails within thirty days from the service of any such bill to pay the amount therein claimed, the said amount may be recovered from him.

(*3*) No arrear of a property tax shall be recovered from any occupier under this section which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(*4*) If any sum is paid by or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

127. Partial remission in respect of property remaining unoccupied.— (*1*) Where any building or land the tax whereof is payable by the year, or in respect of which a special sanitary tax is payable by the year or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which such tax is leviable, or throughout the period in respect of which any instalment is payable, the Council shall remit or refund not more than one half of the amount of the tax or instalment of the tax, as the case may be:

Provided that, no such remission or refund shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Chief Officer, and that no remission or refund shall take for period previous to the day of the delivery of such notice.

(*2*) Where any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than ninety consecutive days, or

(*b*) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the Council may remit or refund such portion, if any, of the tax or instalment as it may think equitable.

(*3*) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

1**[127A. Rebate in property tax for advance payment.—** Notwithstanding anything contained in this Act, the Council may, by general or special order, give such rebate, in the payment of property tax, as the Council may from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

127B. Rebate or remission in property tax for implementing ecologically beneficial scheme.— Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme, as may be identified for the purposes of this section, by the State Government or the Council, is being implemented, shall be given at such rate as the Council may, by general or special order, determine and different rates of rebate or remission may be specified having regard to the nature and extent of the measures adopted for implementation of the ecologically beneficial scheme.

1 Sections 127A and 127B were added by Mah. 7 of 2009, s. 15.

Explanation.— For the purposes of this section ―ecologically beneficial scheme‖ includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction, or the like, as the Council or the State Government may identify.]

128. When building or land deemed to be productive of rent.— For the purposes of clause (*a*) of sub-section (*2*) of the last preceding section, a building or land shall be deemed to be productive of rent, if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

129. Parties to transfer of property to give notice of transfer.— (*1*) Whenever the title of any person primarily liable for the payment of a tax on buildings or lands or both to or over such land or building or both is transferred, the person whose title is so transferred and the person to whom the same is transferred shall, within three months after execution of the instrument of transfer or after its registration if it be registered, or after the transfer is effected if no instrument be executed, give notice of such transfer in writing to the Chief Officer.

(*2*) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the Chief Officer within one year from the death of the deceased.

(*3*) If the person liable to give the notice referred to in sub-section (*1*) or sub-section (*2*) fails to give such notice, he shall, on conviction, be punished with fine which may extent to fifty rupees.

130. Form of notice.— (*1*) The notice to be given under the last preceding section shall be in the form of Schedule II or Schedule III, as the case may be, 1[and shall be accompanied by such fees as the Chief Officer may, from time to time, with the approval of the Standing Committee, prescribe,] and shall state clearly and correctly all the particulars required by the said form.

(*2*) On receipt of any such notice, the Chief Officer may, if he thinks it necessary, require the production of the instrument of transfer, if any, or a copy thereof obtained under section 57 of the 2[* *] Registration Act, 1908 (XVI of 1908).

3[(*3*) The transfer of the title of any person primarily liable to the payment of property tax shall not be recorded by the Chief Officer in the assessment book unless the property taxes due in respect of the property sought to be transferred are fully paid before giving such notice.]

131. In absence of notice, liability to taxes to continue on original holder.— (*1*) Every person primarily liable for the payment of a tax on buildings or lands or both who transfers his title to or over such building or land or both without giving notice of such transfer to the Chief Officer as aforesaid shall, in addition to any other liability which he incurs through such neglect, continue to be liable for the payment of the said tax on the building or land or both until he gives such notice, or until the transfer shall have been recorded by the Council.

(*2*) But nothing in this section shall be held to diminish the liability of the transferee for the said tax or to affect the prior claim of the Council on the said building and land conferred by section 162, for the recovery of the tax on the land or building or both.

132. Fixed charges and agreements for payment in lieu of special water tax.— A Council may, instead of imposing a special water tax at normal rates, in individual cases, fix rates for supply water by measurement, or arrange with any person on his application to supply on payment, periodical or otherwise, water belonging to the Council, in such quantities or for such purposes, whether domestic or otherwise, on such terms and subject to such conditions as it shall fix by agreement with such person:

1 These words were inserted by Mah. 10 of 2010, s. 94(*1*).

2 The word ―Indian‖ was deleted Mah. 10 of 2010, s. 94(*2*).

3 Sub-section (*3*) was added Mah. 10 of 2010, s. 94(*3*).

Provided that—

(*a*) the meters, connection pipes and all other works necessary for and incidental to such supply, and all repairs, extensions and alterations of such works shall be under the control of the Council and the expense thereof shall, so far as is not inconsistent with the rules or bye-laws, be defrayed by the persons liable for the charges or payments fixed in respect of such supply; and

(*b*) such supply of water shall be and shall be deemed to have been granted, subject to all such conditions as to limits or stoppage thereof and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force.

133. Power to fix special rate in lieu of special sanitary tax.— Where a Council has made provision for the cleansings of any factory, hotel or club or any group of buildings or lands used for any one purpose and under one management, it may, instead of levying in respect thereof any special sanitary tax imposed under this Chapter, fix a special rate and the dates and other conditions for periodical payments thereof; such rate, dates and conditions shall be determined either,—

(*a*) in accordance with the by-laws for the time being in force; or

(*b*) by written agreement with the person who would have been otherwise liable for the tax, provided that in fixing the amount of such rate proper regard shall be had to the probable cost to the Council of the service to be rendered.

134. Recovery of sums claimed under the last two preceding sections.— Every sum claimed by a Council as due under any of the provisions contained in section 132 or 133 shall be deemed to be an amount claimed on account of a tax and shall be recoverable in the same manner as an amount of a tax is recoverable under this Act.

135. Council may sell surplus water for use outside municipal area.— Nothing in section 132 shall preclude a Council to contract with any person to supply for use beyond the municipal area any quantity of water belonging to it but not required by it, at such rates and on such conditions as it may think fit:

Provided that, such rate shall be in no case lower than the rate chargeable for water supplied for similar purposes within the municipal area.

[1][(3) *Tolls.*]

136.[2][***]

137.[3][***]

138.[4][***]

139.[5][***]

140. Tables of tolls to be shown on demand.— A Council imposing any toll under this Act, shall cause to be kept at each place where such toll is to be collected, a table showing the amount leviable in all cases provided for in the by-laws including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payment; and it shall be the duty of every person authorised to demand payment of a toll, to show such table on the request of any person from whom such demand is made.

1 The sub-heading was substituted for the sub-heading ―(*3*) Octroi and Tolls,‖ by Mah. 31 of 1999, s. 5. 2 Sections 136 to 139 were deleted by Mah. 31 of 1999, s. 6.

3 Sections 136 to 139 were deleted by Mah. 31 of 1999, s. 6.

4 Sections 136 to 139 were deleted by Mah. 31 of 1999, s. 6.

5 Sections 136 to 139 were deleted by Mah. 31 of 1999, s. 6.

141. Power to seize vehicle or animal or goods for non-payment of [1]**[* * *] toll and to dispose of seized property.—** (*1*) In the case of non-payment on demand [2][* * *] of any toll leviable by a Council, any person appointed to collect such [3][* * *] toll may seize [4][* * *] any vehicle or animal on which the toll

is chargeable, or any part of the burden of such vehicle or animal which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in the form of Schedule VI.

(*2*) When any property seized is subject to speedy decay, or when the expense of keeping it together with the amount of the [5][* * *] toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount be [6][* * *] toll demanded be forthwith paid.

(*3*) If at any time before a sale has begun, the person from whose possession the property has been seized, tenders at the municipal office the amount of all expenses incurred and of the [7][* * *] toll payble, the Chief Officer shall forthwith deliver to him the property seized.

(*4*) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such [8][* * *] toll, and the expenses incidental to the seizure, detention and sale.

(*5*) The surplus, if any, of the sale-proceeds shall be credited to the municipal fund, and may, on application made to the Chief Officer in writing within three years next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made shall be the property of the Council.

142.[9][* * *]

143.[10][* * *]

143A.[11][* * *]

144. Farming of tolls.— (*1*) It shall be lawful for a Council to lease by public auction the levy of any toll that may be imposed under this Act:

Provided that, the lessee shall give security for the due fulfilment of the conditions of the lease.

(*2*) Where any toll has been leased under this section, any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, exercise the power, and perform the duties conferred and imposed by sub-sections (*1*) and (*2*) of section 141 on a person appointed to collect a toll, and any property seized, shall be dealt with as if it has been seized under the provisions of that section:

Provided that, no property seized may be sold except under the orders of the Chief Officer.

(4) *Supplementary provisions regarding taxes.*

145. Power to compound tax on vehicles or animals [12][* * *].—[13][(*1*)] Where a Council has imposed a tax on vehicles (other than motor vehicles) or animals used for riding, draught or burden and kept for such use within the municipal area, it may compound with the keeper of any livery-stables or

1 The words ―octroi or‖ were deleted by Mah. 31 of 1999, s. 7(*d*).

2 The words ―of any octroi or‖ were deleted by Mah. 31 of 1999, s. 7(*a*)(*i*).

3 The words ―octroi or‖ were deleted by Mah. 31 of 1999, s. 7(*a*)(*ii*).

4 The words ―any animal or goods on which octroi is chargeable, or‖ were deleted by Mah. 31 of 1999, s. 7(*a*)(*iii*).

5 The words ―octroi or‖ were deleted by Mah. 31 of 1999, s. 7(*b*).

6 The words ―octroi or‖ were deleted by Mah. 31 of 1999, s. 7(*b*).

7 The words ―octroi or‖ were deleted by Mah. 31 of 1999, s. 7(*b*).

8 The words ―octroi or‖ were deleted by Mah. 31 of 1999, s. 7(c).

9 Sections 142, 143 and 143A were deleted by Mah. 31 of 1999, s. 8.

10 Sections 142, 143 and 143A were deleted by Mah. 31 of 1999, s. 8.

11 Sections 142, 143 and 143A were deleted by Mah. 31 of 1999, s. 8.

12 Sub-section (*2*) and the words ―and in the case of factories, octroi‖ in the marginal note, were deleted by Mah. 31 of 1999, s. 9.

13 Section 145 was renumbered as sub-section (*1*) of that section and sub-section (*2*) was added by Mah. 14 of 1966, s. 8(*a*) and (*b*).

of horse, or such vehicles kept for sale or hire, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as a aforesaid.

[1][* * *]

146. Assessment not invalid for defect of form.— No assessment and no charge or demand of any tax made under the authority of this Act shall be invalid by reason of any clerical error or other defect of form, and when any property is described for the purpose of assessing any such tax, it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier thereof.

147. Power of State Government to require Council to impose taxes.— Where it appears to the State Government that the balance of the municipal fund of a Council is insufficient for meeting any expenditure incurred under section 309 or for the performance of duties for the performance of which the Director had fixed a period under section 312, the State Government may by notification require the Council to impose, within the municipal area, any tax specified in the notification which may be imposed under section 108 and which is not at the time imposed, within the said area or to enhance any existing tax in such manner or to such extent as the State Government considers fit ; and the Council shall forthwith proceed to impose or enhance in accordance with the requisition, such tax under the provisions of this Chapter as if a resolution of the Council had been passed for the purpose under section 109.

[2][(4A) *Stamp duty.*

147A. Additional stamp duty on certain transfers of immovable properties in [3][* * *] municipal area.— (*1*) The stamp duty leviable under the Bombay Stamp Act, 1958 (Bom. LX of 1958), on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the municipal area, [4][* * * *] and executed on and after such date as may be specified by the State Government by notification in the *Official Gazette*, be increased by a surcharge at the rate of [5][one] per cent in the case of sale or gift on the value of the property so situated and in the case of an instrument of usufructuary mortgage on the amount secured by the instrument as set forth in the instrument and shall be collected accordingly under the said Act.

[6][Provided that, the Stamp duty leviable under the Maharashtra Stamp Act (LX of 1958), on instrument of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the City,—

(*a*) for the period commencing from the 1st September 2020 and ending on the 31st December 2020, not be increased by any surcharge, under this Sub-section;

(*b*) for the period commencing from the 1st January 2021 and ending on the 31st March 2021, be reduced by a surcharge at the rate of half per cent., under this Sub-section;

(*c*) with effect from the 1st April 2021, in case the State Government reduces or remits the stamp duty under the Maharashtra Stamp Act (LX of 1958), be reduced or remitted by a surcharge at such rate as the State Government may, by an order in the *Official Gazette*, specify, under this sub-section.]

(*2*) For the purposes of this section, section 28 of the [7][Maharashtra Stamp Act (LX of 1958)] shall be read and enforced as if it specifically required the particulars therein referred to be set forth separately in respect of—

1 The words ―and in case of factories octroi‖ were deleted by Mah. 31 of 1999, s. 9(*ii*).

2 This heading and section 147A were inserted by Mah. 11 of 1983, s. 10.

3 The word ―certain‖ was deleted by Mah. 18 of 1993, s. 25(*d*).

4 The words ―of such Councils having population of not more than 50,000‖ were deleted by Mah. 18 of 1993, s. 25(*a*). 5 This word was substituted for the words ―one-half‖ by Mah. 11 of 2002, s. 50.

6 This proviso was inserted with effect from 1st September 2020 by Mah. 33 of 2020, s. 5.

7 Short title was substituted for ―Bombay Stamp Act‖ by Mah. 24 of 2012, s. 2 and 3, entry 67.

(*a*) the property situated in a municipal area of [1][a Council], and

(*b*) the property situated in any other area.

(*3*) The State Government shall, every year, after due appropriation made by law in this behalf, pay to each Council [2][* * *] a grant-in-aid approximately equal to the amount of additional duty realised on account of the surcharge levied under this section in respect of immovable properties situated within the jurisdiction of that Council.

(*4*) The sum of money required to meet the expenditure by the State Government under sub-section (*3*) shall be charged on the Consolidated Fund of the State.

(*5*) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this section.]

(5) *Fees.*

148. Fees may be charged for certain licences, permission, etc.— (*1*) When any licence is granted under this Act, or when permission is given thereunder for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the Council, the authority granting or giving such licence or permission may charge a reasonable fee for the same as determined by the by-laws:

Provided that, when permission is given for putting up a projection, the authority giving such permission may charge every year a recurring fee until the projection is removed.

(*2*) The Council may charge a higher fee by way of penalty for any erection or projection, or for the use or occupation of any public street or other land vested in the Council, by any person without its permission or licence. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provisions of this Act or any other law for the time being in force.

The rates of such higher fees shall also be determined by the by-laws.

CHAPTER IXA [3][***]

CHAPTER X

RECOVERY OF MUNICIPAL CLAIMS

149. Mode of recovery of any money claimable under this Act.— All amounts on account of taxes, fees or penalties imposed or as may hereafter be imposed by or under this Act or rules or by-laws made thereunder and all amounts on account of contract, auction, lease, or any money claimable under this Act or under the rules or by-laws made thereunder shall, save as otherwise provided, be recoverable in the manner provided in this Chapter.

150. Presentation of bill for sums due to Council and discount for prompt payment [4][or concession in tax].— (*1*) When any amount becomes due to the Council under this Act or the rules or by-laws made thereunder, the Chief Officer shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

(*2*) Every such bill shall specify the period for which, and the property, occupation or thing in respect of which the sum is claimed and shall also give notice of the liability incurred in default of payment and of the time within which an appeal may be preferred as hereinafter provided against such claim.

1 These words were substituted for the words, brackets and figure ―any of the Councils specified under sub-section (*1*)‖ by Mah. 18 of 1993, s. 25(*b*).

2 The words, brackets and figures ―specified under sub-section (*1*)‖ were deleted by Mah. 18 of 1993, s. 25(*c*). 3 The Chapter IXA and sections 148A to 148O were deleted by Mah. 42 of 2017, s. 52.

4 These words were added by Mah. 10 of 2010, s. 95(*1*).

[1][(*2A*) Each of the property taxes shall be payable in advance in half yearly installments and other dues shall also be payable by the date as specified in a bill presented or served under subsection (*1*).]

(*3*) If a person to whom such bill is presented pays, within fifteen days from the presentation thereof, the whole sum claimed as due, then a discount equal to one per cent. of such sum shall be paid by the Council to him in such manner and within such period as may be prescribed.

[2]**[150A. Levy of penalty on unpaid amount of bill.—** (*1*) The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and for the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid, a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid:

Provided that, if any property tax for which a bill is served under this Act before the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *NagarPanchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (Mah. X of 2010), (hereinafter in this section referred to as ―the Amendment Act of 2009‖) has remained unpaid in full or in part, a person who has not paid such tax shall be liable to pay penalty as provided under this section, on and from the date of commencement of the said Amendment Act of 2009.

(*2*) If the other taxes or dues claimed in the bill are not paid by the date specified in the bill, the provisions of sub-section (*1*) shall, *mutatis mutandis*, apply to the amount which has so remained unpaid.

150B. Special provision for facility for payment of property taxes.— Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Council in this behalf by giving a public notice in two leading newspapers in circulation within the area of jurisdiction of the Council and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Council.]

[3]**[150C. Power to assess in case of escape from assessment.—** Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any year, the Chief Officer may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.]

151. [*When notice of demand issued—Deleted by Mah. X of 2010, s. 97.*]

[4]**[152. When warrant may be issued.—** If the person to whom a bill is presented or served as provided under sub-section (*1*) of section 150 does not, before expiry of the period within which an appeal may be preferred against such claim, either—

(*a*) pay the tax, penalty, interest, fees and any other dues as required under the provisions before the date specified in the bill; or

1 Sub-section (*2A*) was inserted by Mah. 10 of 2010, s. 95(*2*). 2 Sections 150A and 150B were inserted by Mah. 10 of 2010, s. 96. 3 Section 150C was inserted by Mah. 11 of 2011, s. 16.

4 Section 152 was substituted by Mah. 10 of 2010, s. 98.

(*b*) prefer an appeal in accordance with the provisions of section 169 against the claim,

then such sum with all costs of the recovery may be levied under a warrant signed by the Chief Officer in the form of Schedule V, or to the like effect, by distress and sale of the movable or immovable property of the defaulter:

Provided that, where any measures, precautionary or otherwise, have been taken in respect of any such property for the recovery of any sum claimed by the State Government, any proceeding under this Chapter in respect of such property shall abate.]

153. To whom warrant addressed.— (*a*) Where the property is in the municipal area, the warrant issued under the last preceding section shall be addressed to an officer of the Council;

(*b*) where the property is in another municipal area, the warrant shall be addressed to the Chief Officer of that area;

(*c*) where the property is within the limits of a Municipal Corporation other than the Bombay Municipal Corporation, the warrant shall be addressed to the Municipal Commissioner of such Corporation;

(*d*) where the property is in Greater Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay;

(*e*) where the property is in a Cantonment, the warrant shall be addressed to the Executive Officer of the Cantonment;

(*f*) where the property is not within the limits of a Corporation or a Municipal area or a Cantonment, the warrant shall be addressed to a Government Officer not lower in rank than a Mahalkari or *Naib-Tahsildar*:

Provided that, such Chief Officer, Municipal Commissioner, Registrar, Executive Officer or Government Officer may endorse such warrant to a subordinate officer.

154. Power of entry by force under special order.— It shall be lawful for any officer to whom a warrant issued under section 152 is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, to break open at any time between sunrise and sunset any outer or inner door or window of a building, in order to make any distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant and if after notifying his authority and purpose and duly demanding admittance he cannot otherwise obtain admittance:

Provided that, such officer shall not enter or break open the door of any apartment appropriated for women until he has given three hours‘ notice of his intention and has given such women an opportunity to remove.

155. Warrant how to be executed.— It shall also be lawful for any such officer if authorized by the warrant to distrain, wherever it may be found, any movable property or attach any immovable property of the person named in the warrant issued under section 152 as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(*a*) the following property shall not be distrained :—

(*i*) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(*ii*) the tools of artizans,

(*iii*) when the defaulter is an agriculturist, his implements of husbandry and such cattle and seed-grain as may be necessary to enable the defaulter to earn his livelihood;

(*b*) the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant; and if any property has been distrained which, in the opinion of the Chief Officer or the person to whom the warrant was addressed, should not have been so distrained, it shall forthwith be returned to the defaulter;

(*c*) the officer shall on distraining or attaching the property forthwith make an inventory thereof and give to the person in possession thereof at the time of distraint or attachment a written notice in the form of Schedule VI;

(*d*) (*i*) when the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way and all person from taking any benefit from such transfer or charge;

(*ii*) the order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on conspicuous part of the property and then upon the notice board of the municipal office and also, when the property is land paying revenue to the State Government, in the office of the Collector of the district in which the land is situate;

(*e*) any transfer of or charge on the property attached or of any interest therein made without the written permission of the Chief Officer shall be void as against all claims of the Council enforceable under the attachment.

156. Sale of property distrained or attached; application of proceeds of sale.— (*1*) When the property seized is not subject to speedy and natural decay, the property distrained or attached, or in the case of immovable property a sufficient portion thereof, may, unless the warrant is suspended by the Chief Officer or the sum due by the defaulter together with all costs incidental to the [1][* *], warrant, and distress or attachment and detention of the property, is paid, be, on the expiry of the time specified in the [2][bill] served by the officer executing the warrant, sold by public auction [3][or by auction inviting sealed bids] under the orders of the Chief Officer, and the proceeds or such part thereof as shall be requisite, shall be applied firstly in discharge of any sum due to the State Government in respect of such property and secondly in discharge of the sum due and of all such incidental costs as aforesaid. Where the sum due to the Council together with the cost and a sum equal to five per cent. of the purchase money for payment to the purchaser is paid by the defaulter, before the confirmation of the sale, the attachment if any, of immovable property shall be deemed to have been removed and movable property seized shall be returned to the defaulter. Sales of movable and immovable property under this section shall be held in the manner laid down in the rules framed in that behalf.

(*2*) After sale of the property by auction as aforesaid, the Chief Officer shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(*3*) It shall be lawful for the Council to offer a nominal bid in the case of any immovable property put up for auction, provided the previous approval of the Collector is obtained to such bidding. [4][However, if the person, whose property has been acquired by the Council at a nominal bid, pays all his dues, including fine, if any, within six months from the date of such auction, the Council shall restore the property to him:

Provided that, any expenses incurred or to be incurred in this behalf including those in respect of stamp duty paid or payable, if any, shall be borne by such person and that he shall not be entitled to any damages or compensation whatsoever in respect of such property.]

157. Surplus if any how dealt with.— The surplus, if any, remaining after the sale of property under the last preceding section, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint or attachment; if such person claims the surplus by written application to the Chief Officer within three years from the date of the notice given under this section, the Chief Officer shall refund the surplus to such person. Any sum not claimed within three years from the date of such notice shall be the property of the Council.

1 The word ―notice‖ was deleted by Mah. 10 of 2010, s. 99(*1*).

2 This word was substituted for the word ―notice‖ by Mah. 10 of 2010, s. 99(*2*). 3 These words were inserted by Mah. 10 of 2010, s. 99(*3*).

4 This portion was added by Mah. 18 of 1993, s. 26.

158. Sale outside municipal area.— Where the warrant is addressed outside the municipal area under section 153, the Chief Officer may by endorsement direct the officer or Registrar of the Court of Small Causes of Bombay to whom the warrant is addressed to sell the property distrained or attached; in such case it shall be lawful for such officer or Registrar to sell the property and to do all things incidental to the sale in accordance within the provisions of sections 155, 156 and 157 and to exercise the powers and perform the duties of the Chief Officer under sections 156 and 157, in respect of such sale except the powers of suspending the warrant. Such officer or Registrar shall, after deducting all costs of recovery incurred by him and after confirmation of the sale, remit the amount recovered under the warrant to the Chief Officer by whom it was issued who shall dispose of the same in accordance with the provisions of sections 156 and 157.

159. Fees and costs chargeable.— Fees for [1][* * * * *] every warrant issued under section 152 or distress or attachment made under section 155 and the maintenance of any livestock seized under the said section shall be chargeable at the rates respectively specified in that behalf in the by-laws of the Council and shall be included in the costs of recovery.

160. Summary proceeding may be taken against person about to leave municipal area.— (*1*) If the Chief Officer shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this Chapter is due or is about to become due, is about forthwith to remove from the municipal area, the Chief Officer may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

(*2*) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him the amount shall be leviable by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter in the manner hereinbefore prescribed, [2][* * *] and the Chief Officer‘s warrant for distress and sale may be issued and executed without any delay.

161. Sales in other cases by whom to be ordered and the manner of making and confirming them.— The State Government may make rules for prescribing such supplemental or incidental provisions as it deems fit for ordering and holding and confirming sales by public auction [3][or by auction inviting sealed bids] of any property or class of property distrained or attached under this Act.

162. Liability of lands, buildings, etc. for taxes.— All sums due on account of any tax on lands or building or both shall, subject to the prior payment of land revenue, if any, due to Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable and upon the movable property, if any, found within or upon such building or land, and belonging to any person liable for such tax:

Provided that, no arrears of any such tax shall be recovered from any occupier who is not the owner if such arrears have been due for more than one year for a period during which occupier was not in occupation.

163. Receipts to be given for all payments.— For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid, shall be tendered by the person receiving such payments.

164. Certain amounts to be recovered as arrears of land revenue.— Where any amount referred to in section 149 has become due and cannot be recovered under the forgoing provisions of this Chapter by reason of the person liable for the payment thereof being outside the State of Maharashtra or his not having any or sufficient property in the State, and such person has property outside the State, then such amount shall be recoverable as an arrear of land revenue and the provisions of the Revenue Recovery Act, 1890 (I of 1890) shall apply to the recovery thereof.

1 The words and figures ―every notice issued under section 151‖ were deleted by Mah. 10 of 2010, s. 100.

2 The words ―except that it shall not be necessary to serve upon the defaulter any notice of demand‖ were deleted by Mah. 10 of 2010, s. 101.

3 These words were inserted by Mah. 10 of 2010, s. 102.

165. Stay orders on warrants by whom to be issued.— When a warrant is issued under section 152, no authority other than the Chief Officer who issued the warrant shall have the power to hold back execution of the warrant:

Provided that, the Appellate Authority to whom an appeal has been preferred under section 169 or the authority to whom a revision application is made under section 171, may issue a stay order if the circumstances of the cases so demand, only after the appeal or application for revision is duly admitted, and after recording the reason for making such order.

166. [*Interest payable on dues for taxes—Deleted by Mah. X of 2010, s. 103*.]

167. Power to write off.— Subject to the approval of the Collector and subject to such rules as the State Government may make in this behalf, a Council may write off any tax, fee or other amount due to it which in its opinion is irrecoverable:

Provided that, no amount shall be written off unless a resolution to that effect is passed by a majority of not less than three-fourths of the total number of Councillors:

Provided further that, no approval of the Collector need be obtained if the sum to be written off, not being a sum under a contract, is not more than [1][five hundred rupees] in any case.

[2][**167A. Power of Council to grant rebate for payment of arrears of tax.—** Notwithstanding anything contained in section 167 or any other provisions of this Act, the Council may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Council.]

168. Appointment of Recovery Officer.— (*1*) Notwithstanding any other mode of recovery provided by this Act, any arrears of any tax, or any amount due to the Council under a contract, agreement, lease, auction, security or indemnity bond or any other money due to the Council under this Act or the rules or by-laws made thereunder, together with any sum on account of process fees, interest and other costs, shall be recoverable as if it were an arrears of land revenue, by *a Revenue Officer to be appointed for the purpose by the Commissioner of the Division if such an officer is above the rank of Mahalkari or Naib-Tahsildar and by the Collector of the District if such an officer is of or below the rank of a Mahalkari or Naib-Tahsildar:*

Provided that, no such Recovery Officer shall be appointed unless the Council by a resolution passed at a special meeting for that purpose, makes a written request to the Commissioner or the Collector concerned.

(*2*) In case the arrears of all kinds due to a Council as on the 31st day of December, are in excess of fifty per cent. of the total of such arrears as at the close of the previous financial year, the Director may without reference to the Council, make a requisition to the Collector or the Commissioner concerned for appointment of a Recovery Officer.

(*3*) In either case, the expenses on the salary and allowances of the Recovery Officer and such other subordinate staff as the Collector or, as the case may be, the Commissioner may appoint to assist the Recovery Officer, shall be paid by the Council.

(*4*) The Recovery Officer so appointed shall have all the powers of a Revenue Officer under [3][Chapter XI of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966)], or any corresponding law for the time being in force, but only for the purposes of recovery of municipal arrears recoverable under this Act as arrears of land revenue.

1 These words were substituted for the words ―one hundred rupees‖ by Mah. 18 of 1993, s. 27.

2 Section 167A was inserted by Mah. 7 of 2009, s. 16.

3 These words were substituted for the words and figures ―Chapter X of the Bombay Land Revenue Code, 1879‖ by Mah. 10 of 2010, s. 104.

169. Appeals to [1][Magistrate or [2][Committee]].—[3][(*1*)] Appeals against any claim for taxes taxes [4][(except taxes on buildings and lands or both)] or other dues included in a bill presented to any person under section 150 or any other provisions of this Act may be made to any Judicial Magistrate or Bench of such Magistrate by whom under the direction of the Sessions Judge such class of cases is to be tried.

[5][[6][(*2*) Appeal against any claim for taxes on buildings and lands or both including other dues in in relation thereto, if any, included in the bill presented to any person under section 150 may be made, at the direction of the assessee,—

(*a*) first to the Property Tax Appeal Committee for each Municipal Council, consisting of the following members, namely :—

(*i*) Collector of the District or his nominee not below the rank of a Deputy Collector. . . . . *ex-officio* Chairman;

(*ii*) President of the Council. . . . . *ex-officio* Member;

(*iii*) Chairperson of the Women and Child Welfare Committee and where there is no such Committee constituted then Chairperson of any other Subjects Committee as the Council may determine, till the Constitution of such Committee. . . . . *ex-officio* Member;

[7][(*iv*) Leader of the Opposition in Council. . . . . member;]

Council.

(*v*) An officer of the Town Planning and Valuation Department other than the concerned Valuation Officer not below the rank of a Town Planning Officer to be nominated by the Deputy Director of Town Planning of the concerned Division; . . . .

[8][*Explanation.*— For the purposes of sub-clause (*iv*), Leader of the Opposition in the Council means an elected Councillor who is in for the time being, the leader of the political party, *Aghadi* or Front which is in opposition in the Council, having greatest numerical strength, as informed by the political party, *Aghadi* or Front, to the Collector as provided by rule 3 of the Maharashtra Local Authority Members' Disqualification Rules, 1987, framed under the Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987);]

or

(*b*) directly to any Judicial Magistrate or Bench of such Magistrates, by whom under the direction of the Sessions Judge such class of cases is to be tried:

Provided that an appeal against the decision of the Property Tax Appeal Committee under clause (*a*) shall lie to the Judicial Magistrate or Bench of such Magistrates referred to in clause (*b*).]

[9][(*2A*) Notwithstanding anything contained in sub-section (*2*), the Property Tax Appeal Committee may, *suo motu* review all cases (excluding those in which appeals have directly been preferred under clause (*b*) of sub-section (*2*), where the rateable values [10][or the capital values, as the

1 The words ―Magistrate or Tribunal‖ were substituted for the word ―Magistrates‖ by Mah. 13 of 1993, s. 4(*c*).

2 The word ―Committee‖ was substituted for the word ―Tribunal‖ by Mah. 43 of 1994, s. 2(*c*). 3 Section 169 was renumbered as sub-section (*1*) thereof by Mah. 13 of 1993, s. 4(*a*).

4 These brackets and words were inserted by Mah. 13 of 1993, s. 4(*a*).

5 After sub-section (*1*) as so renumbered sub-sections (*2*) to (*8*) were added by Mah. 13 of 1993, s. 4(*b*). 6 Sub-section (*2*) was substituted by Mah. 43 of 1995, s. 2(*a*).

7 Sub-clause (*iv*) was substituted by Mah. 21 of 1996, s. 5(*a*)(*1*).

8 *Explanation* was added by Mah. 21 of 1996, s. 5(*a*)(*ii*) with effect from 16th May 1996.

9 Sub-section (*2A*) was inserted by Mah. 21 of 1996, s. 5(*b*) with effect from 16th May 1996.

10 These words were inserted by Mah. 10 of 2010, s. 105.

case may be,] of the properties have increased three-fold or more than the last preceding revision done under section 124:

Provided that, the Regional Director, on a revision application made by a property owner, within fifteen days from the date of the decision of the Property Tax Appeal Committee, may, reconsider the decision of the said Committee and on being satisfied about the merits of the case issue directions to amend the said decision and the decision so amended, shall be deemed to be the final decision of the Committee.]

(*3*) The Chairman shall preside over all meetings of the [1][Committee].

(*4*) The Chairman shall fix the date, time and place of the hearing of each appeal and issue an individual notice of hearing to the Chief Officer and the Appellant.

(*5*) The quorum for every meeting of a Tribunal shall be three including the Chairman of the [2][Committee]:

Provided that, if within half an hour of the time fixed for the meeting of the [3][Committee] there is is no quorum and if the Chairman alone or Chairman and any one member are present, the Chairman alone, or the Chairman and the other member, as the case may be, shall be deemed to be the necessary quorum to constitute the meeting of the [4][Committee]. The Chairman shall then proceed further with the hearing and record the decision in the appeal which shall be deemed to be the decision of the [5][Committee].

(*6*) Save as otherwise provided in sub-section (*5*), all decision of the [6][Committee] shall be by a majority opinion of the members present and where the opinion is equally divided, the decision of the Chairman shall be the decision of the [7][Committee].

(*7*) No act or proceedings of any such [8][Committee] shall be deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

(*8*) A certified copy of the decision of the [9][Committee] shall be supplied to the concerned parties, parties, by the [10][Committee]].

170. Procedure in appeal.— No [11][appeal under the last preceding section] shall be entertained unless—

[12][(*a*) the appeal,—

(*i*) under sub-section (*1*) or under clause (*b*) of sub-section (*2*) of section 169 is brought within [13][thirty days] next after the presentation of the bill complained of;

(*ii*) under clause (*a*) of sub-section (*2*) of section 169, to the Property Tax Appeal Committee is brought within [14][thirty days], next after the presentation of the bill complained of; and

(*iii*) under the proviso to sub-section (*2*) of section 169, to the Judicial Magistrate against the decision of the Property Tax Appeal Committee is brought within [15][thirty days], next after the decision of that Committee:

1 The word ―Committee‖ was substituted for the word ―Tribunal‖ by Mah. 43 of 1994, s. 2(*b*).
2 The word ―Committee‖ was substituted for the word ―Tribunal‖ by Mah. 43 of 1994, s. 2(*b*).
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7 The word ―Committee‖ was substituted for the word ―Tribunal‖ by Mah. 43 of 1994, s. 2(*b*).
8 The word ―Committee‖ was substituted for the word ―Tribunal‖ by Mah. 43 of 1994, s. 2(*b*).
9 The word ―Committee‖ was substituted for the word ―Tribunal‖ by Mah. 43 of 1994, s. 2(*b*).
10 The word ―Committee‖ was substituted for the word ―Tribunal‖ by Mah. 43 of 1994, s. 2(*b*).
11 These words were substituted for the words ―such appeal‖ by Mah. 43 of 1994, s. 3(*a*).

12 Clause (*a*) was substituted by Mah. 43 of 1994, s. 3(*b*).

13 These words were substituted for the words ―fifteen days‖ by Mah. 21 of 1996, s. 6(*1*) with effect from 16th May 1996. 14 These words were substituted for the words ―fifteen days‖ by Mah. 21 of 1996, s. 6(*1*) with effect from 16th May 1996. 15 These words were substituted for the words ―fifteen days‖ by Mah. 21 of 1996, s. 6(*1*) with effect from 16th May 1996.

1[* * *]

(*b*) an application in writing stating the grounds on which the claim of the Council is disputed, has been made to the Council in the case of a tax on buildings or lands or both within the time fixed in the notice given under section 199 or 123 of the assessment or alteration thereof, according to which the bill is prepared; and

2[(*c*) (*i*) the appellant under sub-section (*1*) 3[or sub-section (*2*) as the case may be] of section 169 has paid in the municipal office the full amount included in the bill; and

4[(*ii*) where the appeal is not filed in accordance with the provisions of section 169 and and this section, it shall be liable to be summarily dismissed;]

5[* * * *]

6**[171. Revision by Court.—** The decision of the Magistrate or Bench or Magistrates in any appeal made under section 169 shall, at the instance of either party, be subject to the revision by the Court to which appeals against the decision of such Magistrate or Bench of Magistrate ordinary lie.]

7**[171A. Power of Chief Officer to make fresh assessment.—** Where the decision of the Magistrate or Bench of Magistrates is not final by virtue of the provisions of section 171 which provides for revision by the Court, and in pursuance of this provision if a revision or any further proceeding is filled and is pending, then, notwithstanding anything contained in this Act, it shall be lawful for the Chief Officer to assess the property taxes, from year to year, on the basis of rateable value or the capital value, as the case may be, determined under the provisions of this Act, subject, however, to the provisions of sections 169 and 170.]

172. Bar of other proceedings.— No objection shall be taken to any valuation, assessment or levy nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act.

8**[172A. Assessment Subject to Valuation or Revision by Municipal Property Tax Board.—** (*1*) Notwithstanding anything contained in sections 113, 114, 115, 117, 119, 120, 122, 123, 124, 169, 170, 171 and 172, every rateable value or the capital value, as the case may be, shall be subject to the valuation or revision by the Maharashtra Municipal Property Tax Board established under section 3 of the Maharashtra Municipal Property Tax Board Act, 2011 (Mah. XIV of 2011) (hereinafter referred to as ―the Municipal Property Tax Board‖.)

(*2*) Notwithstanding anything contained in this Act, no appeal against fixing of rateable value or the capital value, as the case may be, or tax fixed or charged under this Act shall lie to the Property Tax Appeal Committee constituted under sub-section (*2*) of section 169, when the subject matter of such rateable value, or the capital value or tax fixed or charged under this Act is under consideration of the Municipal Property Tax Board and where any such appeal is already preferred or revision under section 171 is already made the same shall, upon proceedings being initiated by the Board, stand transferred to, and be dealt with by, the Municipal Property Tax Board.]

CHAPTER XI

STREETS AND OPEN SPACES

173. Powers in respect of public streets.— (*1*) It shall be lawful for a Council—

(*a*) to lay out and make new public streets, including tunnels, bridges, sub-ways and other works subsidiary to public streets;

1 The proviso was deleted by Mah. 10 of 2010, s. 106(*1*).

2 Clause (*c*) was substituted by Mah. 13 of 1993, s. 5(*c*).

3 These words were inserted by Mah. 10 of 2010, s. 106(*1*)(*a*). 4 Sub-clause (*ii*) was substituted by Mah. 10 of 2010, s. 106(*1*)(*b*).
5 Clause (*d*) was deleted by Mah. 43 of 1994, s. 3(*c*)
6 Section 171 was substituted by Mah. 43 of 1994, s. 4.
7 Section 171A was inserted by Mah. 10 of 2010, s. 107.
8 Section 172A was inserted by Mah. 14 of 2011, Schedule entry 4.

(*b*) to widen, open, extend or otherwise improve any public street or any work subsidiary to a public street;

(*c*) to divert or close temporarily any public street;

(*d*) subject to the provisions of sub-section (*2*), to close any public street permanently.

(*2*) Before any resolution to close any public street permanently is passed by the Council, the Chief Officer shall, by a notice put up in the street which is proposed to be closed permanently and also on the notice board in the municipal office, declare the intention of the Council to close the street permanently. The Council shall consider all objections to the said proposal made in writing and delivered at the municipal office within one month from the date of the publication of the notice under this sub-section before passing a resolution so to close the street permanently.

(*3*) In laying out, making, turning, diverting, widening, opening, extending or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the Council may acquire the land required for the construction of buildings to form the said street, and subject to the provisions of section 92, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of buildings to be erected thereon as it may think fit.

174. Powers to declare any street a public street, subject to objections by owners.— (*1*) The Council may, at any time, by notice fixed up in any street or part of a street which is not a public street, give intimation of its intention to declare the same to be a public street, and unless within one month next after such notice has been so put up, the owner or if there are more than one owner the owners of the greater portion of such street or of such part of a street lodges or lodge objections thereto at the municipal office, the Council may by notice in writing put in such street, or such part, declare the same to be a public street.

(*2*) If such owner or owners object to the proposal under sub-section (*1*), the Council may, after considering such objections and with the previous sanction of the Collector, declare such street to be a public street, and the owner or owners so objecting shall be entitled to compensation determined in the manner provided in section 330.

(*3*) Every such street which becomes a public street under this section shall vest in the Council.

175. Powers to require repair etc., of private streets and to declare them as public street.—(*1*) Where a Council considers that in any street not being a public street, or in any part thereof, within the municipal area, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metaling, flagging, channelling, draining, lighting or cleaning thereof, the Council may by written notice require the respective owners of the lands or buildings fronting, adjoining, or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

(*2*) After such work has been carried out by such owners, or as provided in section 328 by the Council at the expense of such owners, and if all land revenue payable to the State Government in respect of the land comprised in such street or part thereof has been paid, by such owners, the Council may, and on the joint requisition of the owners of such street or of the greater portion of such street, shall under the provisions of section 174 and in the manner prescribed in that section, declare such street to be a public street, and such street shall thereafter vest in the Council.

(*3*) If the notice under sub-section (*1*) is not complied with and such work is executed by the Council as provided in section 328, the expenses thereby incurred shall be apportioned by the Council between such owners in such manner as it may think fit, regard being had, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings.

176. Regular line of a public street.— (*1*) The Chief Officer shall subject to the approval of the Council prescribe a line on each side of every public street within the municipal area.

(*2*) The Chief Officer shall give a public notice of the proposal to prescribe such line for any street and shall also put up a special notice thereof in the street for which such line is proposed to be

prescribed. The Council shall, before approving the line of the street consider all objections or suggestions in respect of the said proposal made in writing and delivered at the municipal office within one month from the date of the publication of the notice under this sub-section.

(*3*) The line for the time being so prescribed shall be called ―the regular line of the public street‖.

(*4*) The Chief Officer may from time to time in the manner laid down in sub-sections (*1*) and (*2*) prescribe a revised line in substitution of any regular line of street already prescribed and any reference in this Act to the regular line of the public street shall be deemed to include a reference to such revised line.

(*5*) No resolution approving a regular line of a public street under sub-section (*1*) or approving a revised line under sub-section (*4*) shall be passed by the Council if such line or revised line has the effect of reducing the width of the street or shifting any such line towards the centre of the street, without the previous sanction of the Collector.

(*6*) (*a*) Except under the provisions of sections 180, no person shall construct or reconstruct any portion of any building within the regular line of a public street or within such distance behind the regular line of public street as may be prescribed by-laws, without the permission of the Chief Officer;

(*b*) Where the Chief Officer refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall, with the approval of the Council, be added to the street and shall thenceforth be deemed part of the public street and shall be vested in the Council;

(*c*) Compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 330 shall be paid by the Council to the owner of any land added to a street under clause (*b*) for the value of the said land, and to the owner of any building or any loss, damages or expenses incurred by such owner inconsequence of any action taken or order passed by the Chief Officer under this sub-section:

Provided that, no such compensation shall be payable in respect of any building or portion thereof in respect of which a notice has been issued under sub-section (*1*) of section 195.

(*7*) The provisions of sub-sections (*8*), (*9*), (*10*) and (*11*) of section 189 shall *mutatis mutandis* apply to any building or portion of a building constructed in contravention of the provisions of clause (*a*) of sub-section (*6*).

177. Setting back Projecting Buildings.— (*1*) If any part of the building projects beyond the regular line of a public street as prescribed under the last preceding section, the Council may—

(*a*) (*i*) if the projecting part thereof is any structure external to the main building, then at any time; or

(*ii*) if the projecting part is not an external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part of some portion of the part projecting beyond the said regular line shall be removed or that such building when rebuilt shall be set back to or towards the said regular line;

(*b*) if the provisions of clause (*a*) do not apply and if in the opinion of the Council it is necessary to set back the building to the regular line of the public street require by written notice to show cause within such period as may be specified in such notice, why such projecting part shall not be pulled down and the land within the said line acquired by the Council.

(*2*) If such owner fails to show sufficient cause to the satisfaction of the Council why such projecting part shall not be pulled down and the land within the said line acquired as aforesaid, the Council may require the owner by a written notice to pull down the projecting part.

(*3*) The Council shall at once take possession of the portion of the land within the regular line of the public street theretofore occupied by the projecting part so removed or set back under clause (*a*) or

(*b*) of sub-section (*1*) or sub-section (*2*) and such land shall thenceforward be deemed a part of the public street and shall vest as such in the Council.

(*4*) If any land not vested in the Council, whether open or enclosed, lies within the regular line of a public street and is not occupied by a building other than a structure external to a main building, the Council, after giving the owner of the land not less than thirty clear days' written notice of its intention, or if the land is vested in Government then with the permission in writing of the Collector, may take possession of the said land with its enclosing wall, hedge or fence, or such external structure, if any, and if necessary, clear the same, and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the Council.

(*5*) Compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 330 shall be paid by the Council to the owner of any land added to a street under sub-section (*3*) or acquired under sub-section (*4*), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Council under either of the said sub-sections:

Provided that, no such compensation shall be payable in respect of any building or portion thereof in respect of which a notice has been issued under sub-section (*1*) of section 195.

(*6*) When the amount of compensation has been so ascertained and determined or when a ruinous or dangerous building falling under sub-section (*1*) has been taken down under the provisions of section 195, the Council may, after tendering the amount of compensation, if any, as may be payable take possession of the land so added to the street, and if necessary, may clear the same.

(*7*) When no regular line of public street has been prescribed under section 176 in respect of any portion of a public street, if any part of a building projects beyond the front of the building on either side thereof, such projecting part shall be deemed to be within the regular line of the street and the provisions of this section shall *mutatis mutandis* apply to such part.

178. Setting forward to regular line of street.— (*1*) If any building adjoining a public street is in rear of the regular line of such street,—

(*a*) the Council may upon such terms as it thinks fit, permit it to be set forward for the purpose of improving the line of the street; and

(*b*) whenever it is proposed to rebuild such building or to alter or repair such building in any manner that will involve the removal or re-erection of such building or of the greater portion thereof which adjoins the said street, the Council may, in granting any permission for such work, require such building to be set forward for improving the line of the street.

(*2*) If the land which will be included in the premises of any person permitted or required to set forward a building under sub-section (*1*) belongs to the Council, the permission or the requisition of the Council so to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the price to be paid to the Council by the said owner for such land and other terms and conditions of the conveyance shall be set forth in the said permission or the requisition, as the case may be.

(*3*) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building and it shall be deemed to be a sufficient compliance with permission or requisition so to set forward a building to the regular line of a street if a wall of such material and dimensions as are approved by the Council is erected along the said line.

179. Surface projections, obstructions and encroachments in respect of public streets.— (*1*) No person shall, except with the written permission of the Chief Officer under sub-section (*4*)—

(*a*) build or set up, any fence, rail, post, stall, platform or any projecting structure or thing, or make any other encroachment or obstruction;

(*b*) place or deposit or cause to be placed or deposited any box, bale, package or merchandise or any other thing,

in any public street or upon any drain, gutter, sewer or aqueduct in such street.

(*2*) Whoever contravenes any provision of sub-section (*1*), shall, unless the provisions of clause (*a*) of sub-section (*6*) of section 176 apply, on conviction, be punished with fine which may extend to [1][one thousand rupees], and in the case of a continuing contravention with further fine which may extend to [2][two hundred rupees] for every day after the first during which such contravention continues.

(*3*) The Chief Officer shall have power to remove without notice any such projection, obstruction or encroachment,—

(*i*) made in contravention of sub-section (*1*) or contrary in any manner to any permission granted under sub-section (*4*); or

(*ii*) in respect of which the period specified in the permission under sub-section (*4*), has expired.

(*4*) Subject to the provisions of the by-laws, if any, the Chief Officer may allow any temporary occupation of or erection in any public street—

(*i*) on occasion of festivals and ceremonies in such manner as not to inconvenience the public or any individual;

(*ii*) for depositing timber, bricks or other material that has been or is intended to be used for building purposes;

(*iii*) for any other purpose specified in the by-laws.

(*5*) Permission granted under sub-section (*1*) or (*4*) shall be terminable at the discretion of the Chief Officer on his giving not less than twenty four hours' written notice to the person to whom such permission was granted. Such notice shall state the reasons for such action.

(*6*) Every person to whom any permission is granted under sub-section (*1*) or (*4*) shall, at his own expense, cause the place where he has set up any erection or deposited anything, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accident, shall cause such place to be well lighted during the night.

(*7*) Every person to whom any permission is granted under sub-section (*1*) or (*4*) shall immediately after the removal of the erection made or thing placed or deposited restore and make good the street to the satisfaction of the Chief Officer.

(*8*) Whoever contravenes the conditions of any permission granted under sub-section (*4*), or fails to comply with the provisions of sub-section (*6*) or (*7*), shall, on conviction, be punished with fine which may extend to [3][one thousand rupees], and in the case of continuing contravention with further fine which may extend to [4][two hundred rupees] for every day after the first during which such contravention continues.

180. Prohibition of projections other than surface projections, upon streets, etc.— (*1*) Except as provided in sub-section (*2*), no person shall erect, set up, add to or place against or in front of any premises any structure or fixture which will,—

(*a*) overhang, jut or project into or over, or obstruct in any way the safe or convenient passage of the public along any public street; or

(*b*) jut or project into or over any drain or open channel in any public street or interfere with the use of proper working of such drain or channel or to impede the inspection or cleansing thereof.

(*2*) The Council may, subject to any by-laws made in this behalf, give written permission to the owner or occupier of any building in a public street to put up *verandahs*, balconies or rooms projecting

1 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 2(*1*)(*a*).

2 These words were substituted for the words ―twenty rupees‖ by Mah. 1 of 2011, s. 2(*1*)(*b*). 3 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 2(*1*)(*a*).

4 These words were substituted for the words ―twenty rupees‖ by Mah. 1 of 2011, s. 2(*1*)(*b*).

from any upper storey of such building, or rooms, caves, weather-boards, and similar projections, to an extent not exceeding four feet beyond the line of the plinth or basement wall of the building.

(*3*) Permission granted under sub-section (*2*) may be permanent or for such period at a time as may be specified in writing when such permission is granted.

(*4*) Notwithstanding any proceedings which may be taken under sub-section (*7*), the Council may, by written notice, require the owner or the occupier of any such building to remove or alter any such projection, or obstruction—

(*i*) which has been constructed or made whether with or without contrary in any manner to the permission granted under sub-section (*2*);

(*ii*) which has been constructed or made contrary to the provision of any law for the time being in force if such projection or obstruction was constructed or made before the appointed day;

(*iii*) when the period for which the permission under sub-section (*2*) was granted has expired.

(*5*) The Council may also after giving opportunity to the owner or occupier of a building of making representation require him by notice to remove or alter any projection or obstruction constructed or made to which sub-section (*4*) does not apply:

Provided that, the Council shall make reasonable compensation to every person who suffers damage by such removal or alteration under this sub-section.

(*6*) If the occupier of any building removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the building for all reasonable expenses incurred by him in complying with the said notice.

(*7*) Any such owner or occupier putting up any projection or obstruction without the permission of the Council under sub-section (*2*), or in contravention of such permission or any owner or occupier who fails to remove any projection, encroachment or obstruction after the receipt of a notice from the Council under sub-section (*4*) or (*5*) shall, on conviction, be punished with fine which may extend to 1[one thousand rupees] and in the case of a continuing offence with further fine which may extend to 2[two hundred rupees] for every day after the first during which such offence continues.

181. Projections, encroachments, etc., in public places and open spaces whether vesting in council or not.— (*1*) The provisions of section 180 shall *mutatis mutandis* apply to any public place or any open space, vesting in the Council.

(*2*) The provisions of sub-sections (*2*) and (*3*) of section 180 shall apply to any public place or any open space which is not a private property and which does not vest in the Council:

Provided that, if such public place or open space is vested in Government the permission of the Collector shall first be obtained.

(*3*) Whoever not being duly authorised in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon, any open space which is not a private property, shall, on conviction, be punished with fine which may extend to [3][one thousand rupees] and in the case of continuing offence with further fine which may extend to [4][two hundred rupees] for every day after the first during which such offence continues.

182. Power to require boundary walls, hedges, etc., to be constructed or removed.— The Council may, by notice, require the owner or occupier of any land abutting on any public street,—

1 These words were substituted for the words —one hundred rupees‖ by Mah.1 of 2011, s. 3(*1*).

2 These words were substituted for the words —twenty rupees‖ by Mah. 1 of 2011, s. 3(*2*). 3 These words were substituted for the words —one hundred rupees‖ by Mah.1 of 2011, s. 4(*1*).

4 These words were substituted for the words —twenty rupees‖ by Mah. 1 of 2011, s. 4(*2*).

(*a*) to remove partially or wholly from the land any boundary wall, hedge, or other fence which is, in its opinion, likely to obstruct or cause a hindrance to traffic or is otherwise objectionable;

(*b*) to construct on the land sufficient boundary walls, hedges or other fences of such material, description and dimensions as may be specified in the notice;

(*c*) to maintain the boundary walls, hedges or other fences on the land in good order;

(*d*) to cut or trim trees growing on the land and overhanging the street and obstructing the traffic or causing danger to such traffic.

183. New private streets.— (*1*) Every person intending to lay-out or make a new street, shall give notice thereof in writing to the Chief Officer and shall furnish alongwith such notice plan and sections showing—

(*a*) the intended level, direction and width of the street;

(*b*) the situation and the boundaries of any buildings or plots abutting on such street or likely to be served by such street;

(*c*) the position of any public street or streets which the new street may have an access to;

(*d*) the arrangements to be made for the levelling, paving, metalling, flagging, channelling, draining, lighting, or cleansing of the street;

and shall also furnish such other particulars as may be required by the by-laws, if any, made in this behalf.

(*2*) If such person fails to furnish all the information and documents required by sub-section (*1*), or if the Council deems it necessary to call for any further information or documents, the Chief Officer may, within thirty days of the receipt of the said notice, by a written notice require such person to furnish the required information or documents.

(*3*) Within sixty days after the receipt by the Chief Officer of the notice and the information and documents specified in sub-section (*1*), or if any further information or documents have been called for under sub-section (*2*), then within sixty days of the receipt of such further information and documents, the Council may—

(*a*) sanction the laying out or making of the new street subject to such modifications or conditions as it may think fit; or

(*b*) disallow it for reasons which shall be communicated to the applicant in writing.

(*4*) If the Council fails to issue any order under sub-section (*3*) within the period specified in that sub-section, the person giving the notice shall be entitled to lay out and make the proposed street in such manner as may have been specified in the notice under sub-section (*1*) and as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder.

(*5*) If any person who is entitled to proceed with any work under sub-section (*3*) or (*4*) fails to carry out such work within one year from the date on which he becomes so entitled, his right to proceed with such work shall lapse.

(*6*) Whoever lays out or makes any such street either without giving the notice required by sub-section (*1*) or otherwise than in accordance with the instructions issued by the Council under clause (*a*) of sub-section (*3*) or in any manner contrary to the provisions of this Act, or of any by-law in force thereunder, shall, on conviction, be punished with fine which may extend to [1][ten thousand rupees], and the Council may cause any street so laid out or made, to be altered and any building constructed in such street to be altered or removed and the expense thereby incurred shall be paid to the Council by the offender, and shall be recoverable in the same manner as an amount due on account of a property tax.

1 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 5.

(*7*) Save as otherwise provided by or under this Act, the provisions of this Act and of any rules or by-laws made thereunder as to the level and width of public streets and the height of buildings abutting thereon, shall apply also in the case of new private streets referred to in sub-section (*1*); and all particulars referred to in that sub-section shall be subject to the approval by the Council.

184. Troughs and pipes for rain water.—[1][The Chief Officer, subject to the control of the President,] may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to cause any damage to the street or inconvenience to persons passing along the street.

185. Naming and numbering streets and numbering of premises.— (*1*) The Council shall—

(*a*) give a name or a number to every public street;

(*b*) cause to be put up or painted on a conspicuous part of any building, wall or any other place at or near each end or corner of or entrance to a public street, the name or the number by which such street is to be known;

(*c*) determine the number or sub-number by which any premises or part thereof shall be known;

and may by written notice require the owner of any premises or part thereof either to put up a metal place showing the number or sub-number of such premises or part determined under clause (*c*) in such position and manner as may be specified in such notice or to signify in writing his desire that such work shall be executed under the orders of the Council.

(*2*) Any person, who destroys, pulls or defaces any such name or number of a public street or number or sub-number of any premises or part thereof or puts up any name, number or sub-number different from that determined by the Council and any owner of any premises or part thereof who does not at his own expense put up such number or sub-number of such premises or part thereof, shall, on conviction, be punished with fine which may extend to [2][five hundred rupees.]

(*3*) Where a number or sub-number is put up on any premises or part thereof under the orders of the Council in accordance with sub-section (*1*), the expenses of such work shall be payable by the owner of such premises or part thereof, as the case may be.

Explanation.— In this section, ―premises‖ means any building, but does not include only walls, compound walls, fencing, *verandahs*, fixed platforms, plinths, door-steps or the like.

186. Displacing pavements, etc.— (*1*) No person shall, without the permission of the Chief Officer or any other lawful authority displace, take up, or make any alteration in, or make any hole in, or otherwise damage, the pavement, gutter, flags or other materials of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other accessories of a lamp, water-post or hydrant or such other municipal property therein, or extinguish a

municipal lamp.

(*2*) Every person to whom any permission is granted under sub-section (*1*) shall, at his own expense, cause the place where the soil or pavement has been opened or broken up, materials have been taken up or any erection or other thing set up, to be properly fenced and guarded, and in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

(*3*) Any person who contravenes any provision of sub-section (*1*) shall, on conviction, be punished with fine which may extend to [3][one thousand rupees.]

1 These words were substituted for the words ―The Council‖ by Mah. 4 of 1974, s. 23.

2 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 6.

3 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 7.

(*4*) Any person who has displaced, taken up or made alteration in or made a hole in or otherwise damaged any such pavement, gutter, flags, or other materials, of any public street or such fences, walls, posts, municipal lamp, lamp-post, bracket, water-post, hydrant or other accessories of a lamp, water-post or hydrant, or other municipal property or extinguished a municipal lamp, whether with or without the permission required under sub-section (*1*), shall, in addition to any penalty under sub-section (*3*), be liable to pay the expenses which the Council may incur in replacing or restoring the same. Such expenses shall be recoverable in the same manner as an amount due on account of a property tax.

187. Prohibition of sale of articles in public streets without licence.— (*1*) No person shall hawk or sell or expose for sale any article in any public street or public place, except under and in accordance with a licence granted under the by-laws made by the Council in this behalf.

(*2*) Any person who contravenes any provision of sub-section (*1*) or of any licence issued to him shall, on conviction, be punished with fine which may extend to fifty rupees.

(*3*) The Chief Officer or any other municipal officer authorised by him in this behalf may seize any article hawked or sold or exposed for sale in contravention of sub-section (*1*).

188. Prohibition of plying hand-carts without licence.— (*1*) No person shall ply any hand-cart in any public street or place, except under and in accordance with a licence granted under the by-laws made by the Council in this behalf:

Provided that, no such licence shall be necessary in any municipal area in which the Bombay Public Conveyances Act, 1920 (Bom. VII of 1920), is in force and a licence thereunder is necessary in respect of hand-carts used as public conveyances.

(*2*) Any person who contravenes any provision of sub-section (*1*) or of any licence issued to him shall, on conviction, be punished with fine which may extend to fifty rupees.

(*3*) The Chief Officer or any other municipal officer authorised by him in this behalf may seize any hand-carts used in contravention of sub-section (*1*).

CHAPTER XII

CONTROL OVER BUILDINGS

189. Notice of construction of building.— (*1*) The expression ―to construct a building‖ throughout this Chapter includes—

(*a*) any material alteration, enlargement or reconstruction of any building, or of any wall including compound wall and fencing, *verandah*, fixed platform, plinth, door-step or the like, whether constituting part of a building or not;

(*b*) the conversion into a place for human habitation of any building not originally constructed for human habitation;

(*c*) the conversion into more than one place for human habitation of any place originally constructed as one such place;

(*d*) the conversion of two or more places of human habitation into a greater number of such places;

(*e*) such alterations of the internal arrangements of a building, as affect its drainage, ventilation or other sanitary arrangements, or its security or stability; and

(*f*) the addition of any rooms, buildings or other structures to any building, and a building so altered, enlarged, reconstructed, converted or added to, is throughout this Chapter included under the expression ―a new building‖.

(*2*) Before beginning to construct any building, the person intending so to construct shall give to the Chief Officer notice thereof in writing and shall furnish to him at the same time, if required by a by-law or by a special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Chief Officer, and all information required by the by-laws or demanded by the Chief Officer regarding the limits, design, ventilation and material, of the proposed building, and the intended situation and construction of the drains, privies, water-closets, house-gullies and cess pools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, the means of access to such building and the purpose for which the building will be used:

Provided that, if the by-laws of the Council so require, such notice shall be in such form as the Council may from time to time prescribe and such plans shall be signed by a person possessing the qualifications laid down in the by-laws or licensed under the by-laws so to sign such plans.

(*3*) If the person giving notice under sub-section (*2*) fails to—

(*i*) furnish all the information and documents required under sub-section (*2*); or

(*ii*) the Chief Officer deems it necessary to call for any further information or documents,

the Chief Officer, shall, within sixty days of the receipt of the notice, require such person by an order in writing to furnish such information or documents.

(*4*) Within sixty days of the receipt by the Chief Officer of the notice under sub-section (*2*), or if any further information and documents have been called for under sub-section (*3*) then within sixty days of the receipt of all such further information and documents, the Chief Officer may—

(*a*) grant the necessary permission to construct according to the plans and information furnished under sub-section (*2*) and sub-section (*3*);

(*b*) impose any conditions in accordance with this Act or the rules and by-laws made thereunder, as to the level, drainage, sanitation, materials or to the number of storeys to be erected, or with reference to the location of the building in relation to any street existing or projected or to the means of access to such building or the purpose for which the building is to be used;

(*c*) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building or street have been decided to his satisfaction;

(*d*) subject to the provisions of the next succeeding section, refuse such permission for reasons which shall be communicated to the applicant in writing.

(*5*) The Council may, before any work has been commenced in pursuance of any permission granted by the Chief Officer under sub-section (*4*), revoke such permission and may give fresh permission in lieu thereof or issue any other order as may be passed by the Chief Officer under sub-section (*4*).

(*6*) If the Chief Officer fails to issue an order under clause (*c*) or (*d*) of sub-section (*4*) within the period prescribed in that sub-section, the person giving notice under sub-section (*2*), shall, after the expiry of the said period, be entitled to proceed with the work in respect of which such notice has been given

under sub-section (*2*), in the manner specified in such notice, provided that such manner is not inconsistent with any provisions of this Act or any rule or bye-law for the time being in force thereunder.

(*7*) No person who becomes entitled under sub-section (*4*), (*5*) or (*6*) to proceed with any intended work of which notice is required by sub-section (*2*), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (*2*) to (*6*).

(*8*) If any person begins any construction of a building of which notice is required to be given under sub-section (*2*)—

(*i*) without the permission of the Chief Officer under sub-section (*4*) or of the Council under sub-section (*5*), save as otherwise provided under sub-section (*6*); or

(*ii*) having received permission under clause (*a*) of sub-section (*4*), contrary to the plans and information furnished under sub-sections (*2*) and (*3*); or

(*iii*) having received permission under clause (*b*) of sub-section (*4*), contrary to the conditions imposed under that clause or contrary to the plans and information submitted under sub-sections (*2*) and (*3*) in so far as such plans and information are not modified by such conditions; or

(*iv*) contrary to the provisions of sub-section (*6*), when construction is begun under that sub-section,

the Chief Officer may, by a written notice, require such person to stop such construction and to alter or demolish any construction already made as specified in the notice. If, within fifteen days from the service of such notice for demolishing any such construction, the work of demolishing it is not commenced, the Chief Officer may cause such work to be done and the expenses incurred therefor shall be recoverable from the person concerned in the same manner as an amount due on account of a property tax.

[1][(*9*) Any person to whom the notice under sub-section (*8*) of this section or sub-section (*2*) of section 195 has been served, on his failure to comply with such notice,—

(*a*) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, shall be punished with imprisonment for a term which shall not be less than three months but which may extend to three years; and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention;

(*b*) for removing, pulling down the unauthorised work, shall be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.]

(*10*) The Court convicting such person may also direct such person to demolish or alter the building in accordance with the order of the Chief Officer or in such other manner as the Court may deem proper and within the period specified by the Court. If such person fails to demolish or alter the building within the period specified by the Court, or in the manner required by the Court, he shall, on conviction, be punished with further fine which may extend to [2][two hundred and fifty rupees] for every day after the expiry of the period for compliance specified by the Court in its order during which such non-compliance continues.

(*11*) Nothing in sub-section (*8*) or (*10*) shall be deemed to affect the power of the Council or the Chief Officer to demolish or alter the building under section 195.

(*12*) The Chief Officer may, at any time, inspect without giving notice of his intention to do so, any work of which notice is required by sub-section (*2*); and at any time during the execution of any work may by written notice, specify any matter in respect of which the execution of such work is in contravention of any provision of this Act or of any by-laws made under this Act or of any order passed under this section; and require the person executing such work to cause anything done contrary to any such provision or by-laws or order to be amended or to do anything which by any such provision or by-law or order he is required to do but which has been omitted.

1 Sub-section (*9*) was substituted by Mah. 2 of 2012, s. 26(*1*).

2 These words were substituted for the words ―twenty five rupees‖ by Mah. 1 of 2011, s. 8(*2*).

1[(*13*) Where it has been brought to the notice of the Chief Officer or any other officer of the Council, nominated by the Council in the prescribed manner, that erection of any building or execution of any work is carried out or commenced contrary to the provisions of the Act, rules or bye-laws and if such officer has failed, without sufficient reasons, to take action as provided under this section, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees or with both.]

2**[189A. Levy of penalty on unlawful building.—** (*1*) Whoever unlawfully constructs or reconstructs any building or part of a building,—

(*a*) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission;

(*b*) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning;

(*c*) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law; or

(*d*) on any land, belonging to, or leased by, the Council, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder,

3[shall be liable to a penalty, at such rate as may be decided, from time to time, by Government, by an order, on such building], so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction:

Provided that, such levy and collection of tax and penalty shall not be constructed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

4[Provided further that, the rates decided by the Government under this sub-section, in view of the amendment carried out by clause (*a*) of section 4 of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2018 (Mah. LIII of 2018), shall be deemed to have came into effect from the 4th January 2008, being the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2007 (Mah. II of 2008).]

(*2*) Penalty payable under sub-section (*1*) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.]

190. Powers of Chief Officer and Council to refuse permission.— (*1*) When a person has given notice to the Chief Officer under sub-section (*2*) of the last preceding section in regard to his intention to construct a building, it shall be lawful to the Chief Officer to refuse the permission applied for—

(*i*) if the Council passes a resolution proposing to acquire the land on which the building is proposed to be constructed; or

(*ii*) if the proposed construction would contravene the provisions of this Act, or any other law for the time being in force or any schemes, rules, by-laws or other orders under this Act or any other law for the time being in force; or

(*iii*) if the notice under sub-section (*2*) of the last preceding section is not in accordance with the provisions of that sub-section or is not accompanied by the information and documents

1 Sub-section (*13*) was inserted by Mah. 2 of 2012, s. 26(*2*).

2 Section 189A was inserted by Mah. 2 of 2008, s. 4.

3 These words were substituted for the words ―shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building‖ by Mah. 53 of 2018, s. 4(*a*).

4 This proviso was added by Mah. 53 of 2018, s. 4 (*b*).

required by that sub-section or if the person giving such notice fails to furnish all the information and documents required under sub-section (*3*) of that section; or

(*iv*) if no plan has been prepared for the laying out of streets for the area in which the building is to be constructed; or

(*v*) if there is no adequate provision for access to the building; or

(*vi*) if the proposed construction be an encroachment on Government or municipal land; or

(*vii*) for any other reasons to be recorded in writing, which may be deemed sufficient by the Chief Officer.

Where the permission applied for is refused the decision taken and reasons therefor shall be communicated to the applicant.

(*2*) Refusal under clause (*i*) of sub-section (*1*) shall be subject to the following conditions :—

(*a*) if the property is acquired and no agreement is arrived at as regards the amount of compensation payable to the person giving notice under sub-section (*2*) of the last preceding section, the same shall be determined in accordance with the provisions of section 330 regard being had to the likely benefit, which would have accrued to such person, if the permission had not been refused;

(*b*) if within a period of six months from the date of the resolution of the Council proposing to acquire the land, the land is not acquired by the Council by agreement upon payment, or if within such period, an application has not been made to the Collector for the institution of proceedings for compulsory acquisition under the provisions of the [1]Land Acquisition Act, 1894 (I of 1894), or if the Council abandons the proposal to acquire the land, the notice given under sub-section (*2*) of the last preceding section shall be deemed to have been revived with effect from the date on which the said period of six months expires, or with effect from the date on which the decision of the Council to abandon the proposal is arrived at, as the case may be. Such decision shall be communicated to the person giving notice, within fifteen days from the date of the decision; and the notice shall be dealt with as if the Council had not passed a resolution to acquire the land. The Council shall be liable to pay compensation to the said person in respect of the loss which he may prove to have incurred by reason of the Council‘s refusal to grant the permission:

Provided that, the Council shall not be liable to pay compensation if the notice under sub-section (*2*) of the last preceding section is given subsequent the passing of the resolution by the Council to acquire the land.

191. Level of buildings.— After the appointed day, no building shall be constructed upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Council, or into some stream or river or into the sea or some cesspool or other suitable place which may be approved of by the Chief Officer.

192. Roofs and external walls of buildings not to be made of inflammable materials.— (*1*) The external roofs and walls of buildings constructed or renewed after the appointed day, shall not be made of grass, wood, cloth, canvass, leaves, mats or other inflammable material, except with the written permission of the Chief Officer which may be given either specially in individual cases, or generally in respect of any area specified therein.

(*2*) The Council may by by-laws prescribe—

(*i*) the areas in which permission shall be granted by the Chief Officer for the construction of external roofs and walls of buildings from any inflammable material;

(*ii*) the conditions which may be imposed by the Chief Officer in granting permission for such construction in any other area.

1 Now *see*, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013).

(*3*) The Chief Officer may at any time by written notice require the owner of any building which has an external roof or wall made of any such material as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was not made before the appointed day and whether it was made with or without the permission of the Chief Officer.

(*4*) An appeal shall lie to the Council against any order of the Chief Officer refusing the permission under sub-section (*1*) or against any notice given by the Chief Officer under sub-section (*3*), if made within fifteen days of the receipt of such refusal or notice, as the case may be.

(*5*) Whoever without such permission as is required by sub-section (*1*), makes or causes to be made, or in disobedience to the requirements of a notice given under sub-section (*2*) suffers to remain, any roof or wall of such material as aforesaid shall, on conviction, be punished with fine which may extend to 1[one thousand rupees], and in the case of a continuing offence with further fine which may extend to 2[two hundred and fifty rupees] for every day after the first during which such offence continues.

193. Completion certificate, permission to occupy or use.— (*1*) Every person constructing a building shall, within one month after the completion of construction of such building, deliver or send or cause to be delivered or sent to the Chief Officer at his office, notice in writing of such completion and shall give to the Chief Officer all necessary facilities for inspection of such building:

Provided that,—

(*a*) such inspection shall be commenced within seven days from the date of receipt of the notice of completion; and

(*b*) the Chief Officer may, not later than one month from the date of receipt of the notice of completion, by written intimation addressed to the person from whom the notice of completion was received,—

(*i*) give permission for the occupation of such building or for the use of the building or part thereof affected by such construction; or

(*ii*) refuse such permission in case such building has been constructed so as to contravene any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under section 189 intimating to the person who gave the notice under sub-section (*2*) of that section, the reasons for such refusal and requiring such person, or if the person responsible for giving notice under sub-section (*2*) of the said section is not at the time of such notice owner of such building then such owner to cause anything which is contrary to any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under section 189 to be amended or to do anything which by any such provision or by-law or order he is required to do but which has been omitted.

(*2*) No person shall occupy or permit to be occupied or use or permit to be used any such building constructed or part thereof affected by such construction, until,—

(*a*) the permission referred to in proviso (*b*) to sub-section (*1*) has been received, or

(*b*) the Chief Officer has failed for one month after the receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.

(*3*) Whoever—

(*a*) occupies or permits to be occupied any such building or part thereof affected by such construction without giving any notice as required under sub-section (*1*) or in contravention of the provisions of sub-section (*2*); or

(*b*) fails to comply with any order or requisition made under sub-section (*1*) shall, on conviction, be punished with fine which may extend to [3][five thousand rupees], and in the case of continuing contravention or non-compliance with further fine which may extend to [4][two hundred

1 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 9(*1*).

2 These words were substituted for the words ―twenty five rupees‖ by Mah. 2 of 2011, s. 9(*2*). 3 These words were substituted for the words ―five hundred rupees‖ by Mah. 1 of 2011, s. 10(*1*). 4 These words were substituted for the words ―twenty five rupees‖ by Mah. 1 of 2011, s. 10(*2*).

and fifty rupees] for every day after first during which such contravention or non-compliance continues.

[1]**[193A. Structural Stability Certificate.—** (*1*) Every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(*i*) issue of its completion certificate by the Council; or

(*ii*) issue of permission to occupy a building under section 193; or

(*iii*) its physical occupation of at least 50 per cent. of its built up area,

whichever is earlier, has expired, shall cause such building to be examined by a Structural Engineer registered with the Council for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as ―the Structural Stability Certificate‖). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Chief Officer.

(*2*) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (*1*), and every ten years thereafter or such earlier period as the Chief Officer may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(*3*) Notwithstanding anything contained in sub-section (*1*), the Chief Officer may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Chief Officer, the Structural Stability Certificate, as required under sub-section (*1*), within the period not exceeding thirty days as specified by the Chief Officer in such direction.

(*4*) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Chief Officer.

(*5*) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine of rupees twenty five thousand or an amount equal to the property tax of the building for a period of one year, whichever is higher.

(*6*) Notwithstanding anything contained in sub-section (*5*), the Chief Officer may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified, in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice, the Chief Officer may carry out the same and the expenses incurred by the Chief Officer on such repairs shall, on demand, if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(*7*) If there is any dispute about the amount of expenses for which demand is made under sub-section (*6*), an appeal may be preferred by the owner to the Property Tax Appeal Committee constituted under sub-section (*2*) of section 169 of this Act, but no such appeal shall be entertained by the said Committee, unless—

(*i*) it is preferred within twenty-one days from the date of receipt of notice of such demand;

(*ii*) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(*8*) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.]

1 Section 193A was inserted by Mah. 6 of 2009, s. 8.

194. Building for human habitation not to be used as godown, etc., and *vice versa*.— (*1*) No person shall without the written permission of the Chief Officer or otherwise than in conformity with the terms of such permission,—

(*i*) use or permit to be used any building or part thereof originally constructed or authorised to be used for human habitation as a godown, warehouse, workshop, workplace, factory, stable, or a motor garage; or

(*ii*) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose.

(*2*) If any person contravenes any provision of sub-section (*1*), he shall, on conviction, be punished with fine which may extend to 1[five thousand rupees], and in the case of continuing contravention with further fine which may extend to 2[one hundred rupees] for every day after the first during which such contravention continues.

3**[194A. Responsibility of owner or occupier to keep and maintain exterior of building in good condition.—** (*1*) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof:

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (*1*) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971) and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

(*2*) If, on inspection of such building or a part thereof, the Chief Officer is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (*1*), the Chief Officer may, by notice in writing, require the owner or occupier thereof to carry out the necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition; and the owner, or as the case may be, the occupier shall comply with such notice.

(*3*) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Chief Officer under sub-section (*2*), within thirty days from the date of receipt of the notice or such longer period as the Chief Officer may, having regard to the nature and the extent of work to be carried out, specify.

(*4*) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (*2*), the Chief Officer may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Chief Officer in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Chief Officer, till the entire amount of such expenses is paid.

(*5*) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(*6*) If there is any dispute about the amount of expenses for which demand is made under sub-section (*4*), an appeal may be preferred to the Property Tax Appeal Committee constituted under sub-section (*2*) of section 169, but no such appeal shall be entertained by the said Committee unless,—

(*i*) it is preferred within twenty-one days from the date of receipt of notice of such demand;

1 These words were substituted for the words ―five hundred rupees‖ by Mah. 1 of 2011, s. 10(*1*) 2
These words were substituted for the words ―ten rupees‖ by Mah. 1 of 2011, s. 11(*2*). 3
Sections 194A and 194B were inserted by Mah. 9 of 2011, s. 8.

(*ii*) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(*7*) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

194B. Power of Chief Officer to make declaration of aesthetic harmony.— (*1*) The Chief Officer, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

(*2*) Before publication of the notification under sub-section (*1*), the Chief Officer shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons thereof, to the Chief Officer within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Chief Officer shall consider the objections and suggestions within one month.

(*3*) Where the owner fails to comply with the requirements under the declaration under sub-section (*1*), within the period specified, the Chief Officer may take or cause to be taken such steps to carry out the work required to be executed under the declaration; and the expenses incurred by the Council in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(*4*) If there is any dispute about the amount of expenses for which demand is made under sub-section (*3*), an appeal may be preferred by the owner to the Property Tax Appeal Committee constituted under sub-section (*2*) of section 169, but no such appeal shall be entertained by the said Committee unless,—

(*i*) it is preferred within twenty-one days from the date of receipt of notice of such demand;

(*ii*) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(*5*) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.]

195. Removal of buildings, structures, etc., which are in ruins or likely to fall.— (*1*) If it shall at any time appear to the Chief Officer that any building or other structure or anything affixed to such building or 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 building or structure or any other structure or place in the neighbourhood thereof, the Chief Officer may, by written notice, require the owner or occupier of such building or structure to pull down, secure, remove or repair such building, structure or thing or do one or more such things and to prevent all causes of danger therefrom.

(*2*) The Chief Officer may also, if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to put down, secure, remove or repair the said building,

structure or thing, to set up a proper and sufficient board or fence for the protection of passers by and other persons.

(*3*) If it appears to the Chief Officer that the danger from a building, structure or thing which is ruinous or about to fall is of hourly imminence he shall, before giving notice as aforesaid or before the period of notice expires, fence of, take down, secure or repair the said structure or take such steps or cause such work to be executed as may be required to arrest the danger.

(*4*) Any expenses incurred by the Chief Officer under sub-section (*3*) shall be paid by the owner or occupier of the structure and shall be recoverable in the same manner as an amount due on account of a property tax.

196. Penalty for defacing buildings, etc.— Any person—

(*a*) who, without the consent of the owner or occupier, and in the case of municipal property without the permission in writing of the Chief Officer, affixes any posting bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence, pole, post, lamp-post or the like; or

(*b*) who, without such consent or permission, as aforesaid, writes upon, soils, defaces or marks any such building, wall, board, fence pole, post, lamp-post or the like, with chalk or paint or in any other way whatsoever,

shall, on conviction, be punished with fine which may extend to [1][five hundred rupees.]

197. Fixing of lamps, brackets, etc., to houses.— The Chief Officer may erect or fix to the outside of any building brackets for lamps to be lighted with oil, or gas, or subject to the provisions of the [2]Indian Electricity Act, 1910 (IX of 1910), for lamps to be lighted with electricity or otherwise, or subject to the provisions of the Indian Telegraph Act, 1885 (XIII of 1885), for telegraph wires or telephone wires or wires for the conduct of electricity for locomotive purposes. Such brackets shall be erected or fixed so as not to occasion any inconvenience or nuisance to the occupants of the said building or of any others in the neighbourhood, or to the public.

198. Regulation of huts.— It shall not be lawful for any person to erect any hut or range or block of huts or to add any hut to any range or block of huts already existing on the appointed day, without giving

previous notice to the Chief Officer. The Chief Officer may require such huts to be built so that they stand in regular lines, with a free passage or way in front of and between every two lines, of such width as the Chief Officer may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage; and may require such huts to be provided with such number of privies and such means of drainage as he may deem necessary. If any hut or range or block be built without such notice being given to the Chief Officer, or otherwise than as required by the Chief Officer, the Chief Officer may give written notice to the owner of building thereof, or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the Chief Officer may think fit.

199. Improvement of huts.— (*1*) Where the Council is of opinion that any hut, whether used as a dwelling or for any other purpose, and whether existing on the appointed day or subsequently erected, is by reason—

(*a*) of insufficient ventilation or of the manner in which such hut is crowded together with other huts; or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage; or

(*c*) of the impracticability of scavenging,

1 These words were substituted for the word ―fifty rupees‖ by Mah. 1 of 2011, s. 12. 2 Now *see* Electricity Act, 2003 (36 of 2003).

attended with risk of disease to the inhabitants of the neighbourhood, the Council shall cause a notice to be affixed to some conspicuous part of such hut, requiring the owner or occupier thereof, or the owner of the land on which such hut is built, within such reasonable time as may be fixed by the Council in this behalf, to take down and remove such hut or to carry out such alteration or works as the Council may deem necessary for the avoidance of such risk.

(*2*) Where any such owner or occupier refuses or neglects to take down and remove such hut or to carry out such alterations or works within the time appointed, the Chief Officer may cause such hut to be taken down, or such alterations or works to be carried out, in accordance with the requirements of the Council.

(*3*) Where such hut is taken down by the Chief Officer, he shall cause the materials of the hut to be sold, if such sale can be effected; and the proceeds, after deducting all expenses, shall be paid to the owner of the hut, or if the owner is unknown or the title disputed, shall be held in deposit by the Council until the person interested therein shall obtain an order of a competent Court for the payment of the same:

Provided that, where any such hut, which had not been constructed in contravention of any law for the time being in force at the time of such construction, is taken down and removed under this section, compensation shall further be paid to the owner or owners thereof and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 330.

CHAPTER XIII

DRAINAGE

200. Municipal control over drainage.— (*1*) All drains, sewers, privies, water closets, house-gullies, gutters and cesspools within the municipal area shall be under the survey and control of the Council.

(*2*) All covered drains, sewers and cesspools, whether public or private, shall be provided by the Council or other persons to whom they severally belong with proper traps, coverings or other means of ventilation; and the Chief Officer may by written notice call upon the owner of any such covered drains, sewers and cesspools to make provision accordingly.

201. Power of making and repairing drains.— (*1*) It shall be lawful for a Council for any drainage purposes to carry any drain, conduit, tunnel, culvert, pipe or watercourse through, across or under any

street or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipal area.

(*2*) The Council, or any person acting under its authority, may construct a new drain in the place or an existing drain in any land wherein any drain vested in the Council has been already constructed, or repair or alter any drain vested in the Council.

(*3*) The Council may also erect upon any premises or land or affix to the outside of any building or structure or to any tree, any such shaft or pipe as it may deem necessary for the proper ventilation of the municipal drains, and such shaft or pipe shall be carried to a height of not less than six feet above the highest part of the adjacent house and erected so as not to cause any nuisance or inconvenience to the occupants of the building to which such shaft or pipe has been affixed or of any other building in the neighbourhood or to the public.

(*4*) In exercise of any power under sub-sections (*1*), (*2*) and (*3*), no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 330 shall be paid by the Council to any person who sustains damage by the exercise of such power.

(*5*) The Council may discontinue, close up or destroy any municipal drain which has, in the opinion of the Council, become useless or unnecessary or prohibit the use of any such drain either entirely or for the purpose of foul water drainage or the purpose of surface drainage:

Provided that, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Council shall, as soon as may be, provide for his use some other drain as

effectual as the one which has been discontinued, closed up or destroyed or the use of which has been prohibited.

202. Power to require sufficient drainage of houses.— (*1*) If any building or land be at any time undrained, or not drained to the satisfaction of the Chief Officer, the Chief Officer, subject to [1][the control of the President,] may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as he may think necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land; or

(*b*) a covered cesspools to be provided by such owner and approved by the Chief Officer.

(*2*) The Chief Officer may, subject to [2][the control of the President,] by written notice require any courtyard alley or passage between two or more buildings to be paved by the owners of such building with such materials and in such manner as he may direct.

(*3*) Whoever fails to comply with the notice issued by the Chief Officer under sub-section (*1*) or sub-section (*2*) shall, on conviction, be punished with fine which may extend to [3][one thousand rupees], and in the case of continuing offence with further fine which may extend to [4][one hundred rupees] for every day after the first during which such offence continues.

203. New building not to be erected without drains.— (*1*) It shall not be lawful to construct or reconstruct any building, or to occupy or permit occupation of any building newly constructed or reconstructed, unless and until—

(*a*) a drain is constructed of such size, materials and description, at such level and with such fall, as may be required by the by-laws or if no by-laws have been framed by the Council as shall appear to the Chief Officer to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto, all such appliances and fittings as may be required by the by-laws or if no by-laws have been framed

by the Council as may appear to the Chief Officer to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land, and of effectually flushing the drain of the said building and every fixture connected therewith.

(*2*) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place set apart by the Council for the discharge of drainage, situate at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into a cesspool provided by the owner of such building and approved by the Chief Officer.

204. Powers of owners and occupiers of buildings or lands to drain into municipal drains.— (*1*) The owner or occupier of any building or land within the municipal area shall be entitled to cause his drains to empty into a municipal drain:

Provided that, he first obtains the written permission of the Chief Officer and complies with such conditions as the Chief Officer may, subject to the provisions of by-laws, if any, prescribe as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Council and drains which are so vested.

(*2*) An appeal shall lie to the Council against any order of the Chief Officer under sub-section (*1*), if made within fifteen days of the receipt of such order.

1 These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 24. 2 These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 24.

3 These words were substituted for the words —one hundred rupees‖ by Mah. 1 of 2011, s. 13(*1*). 4 These words were substituted for the words —ten rupees‖ by Mah. 1 of 2011, s. 13(*2*).

205. Right to carry drain through land or into drain belonging to other persons.— (*1*) If the owner or occupier of any building or land desires to connect the same with any municipal drain, by means of a drain to be constructed through any land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, he may make a written application in that behalf to the Chief Officer.

(*2*) Subject to 1[the control of the President] the Chief Officer thereupon, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised, or if any objection which is raised is in his opinion is insufficient, by an order in writing authorise the applicant to carry his drain into, through, or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying said drains as may appear to him to be adequate and equitable.

(*3*) Every such order shall be a sufficient authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner, occupier or user of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at anytime between sunrise and sunset and subject to the provisions of this Act, to do all such work as may be necessary—

(*a*) for the construction or connection of the drain, as may be authorised by the said order;

(*b*) for renewing, repairing or altering the same as may be necessary from time to time; or

(*c*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

(*4*) In executing any work under this section as little damage as possible shall be done and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall—

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

206. Rights of owner of land through which drain is carried in regard to subsequent building thereon.— If the owner of any land into, through or under which a drain has been carried under the last preceding section, whilst such land was unbuilt upon, shall at any subsequent time desire to construct a building thereon, the Chief Officer, subject to [2][the control of the President,] shall, if he sanctions the construction of such building, by written notice require the owner or occupier of the building or land, for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and made good the land in such manner as he may deem fit to be necessary, in order to admit of the construction or safe enjoyment of the proposed building.

207. Provision of privies, etc.— (*1*) Where the Chief Officer is of opinion that any privy or cesspool, or additional privies or cesspools, should be provided in or on any building or land, or in any municipal area in which a water-closet system has been introduced, that water-closet or additional water-closets should be provided in or on any building or land, or that water-closets should be substituted for the existing privies in such number as may be considered necessary by him, the Chief Officer, subject to [3][the control of the President,] may by written notice call upon the owner of such building or land, to provide such privies, cesspools or water-closets or to substitute water-closets for the existing privies at such sites as he may deem proper.

1 These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 25 and 26. 2 These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 25 and 26. 3 These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 27 and 28.

(*2*) The Chief Officer, subject to [1][the control of the President,] may by written notice require any persons or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such privies or water-closets at such sites as he may direct and to cause the same to be kept in proper order, and to be daily cleaned.

(*3*) The Chief Officer, subject to [2][the control of the President,] may by written notice require the owner or occupier of any land upon which there is a privy or water-closet, to have such privy or water-closet shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as he may direct any privy door or water-closet door or trap door which opens on to any street, and which he deems to be a nuisance.

208. Power to require owners to keep drains, etc., in proper order; or to demolish or close a privy or cesspool.— (*1*) All drains, privies, water-closets, house-gullies, gutters and cesspools and drainage works of every description within a municipal area shall, unless constructed at the cost of the Council, be altered, repaired and kept in proper order at the cost and charge of the owners of the lands or buildings to which they belong, or for the use of which they have been constructed or continued; and the Chief Officer, subject to [3][the control of the President,] may by written notice require any such owner to alter, repair, and put the same in good order in such manner as he may think fit.

(*2*) It shall be duty of every such owner of land to building to get such drains, privies, water-closets, house-gullies, gutters and cesspools cleansed either by the municipal agency or such other agency as the Chief Officer may approved and at such intervals as the Chief Officer may require.

(*3*) Subject to [4][the control of the President,] the Chief Officer may by return notice require the owner the demolish or close any privy or cesspool, whether constructed before or after the appointed day, which in the opinion of the Chief Officer is a nuisance, or is so constructed as to be inaccessible for the purposes of scavenging or incapable of being properly cleaned or kept in good order.

209. Power to close private drains and cesspools.— When any building or land within municipal area has a drain communicating with any cesspool or municipal drain or any other place set apart for the discharge of drainage, the Chief Officer, if he considers that such drain, though it may be sufficient for the

drainage of such building or land and though it may be otherwise unobjectionable, is not adapted to the general drainage of the locality, may, subject [5][the control of the President,] close such drain and such cesspool, or municipal drain, whether they are or are not on land vested in the Council on providing a drain or drains or cesspool equally effectual for the drainage of such building or land, and the Chief Officer may, subject as aforesaid, do any work necessary for the purpose.

210. Encroachment on municipal drains.— (*1*) No person shall, without the written consent of the Chief Officer,—

(*i*) make or cause to be made any drain into or out from any of the drains vested in the Council; or

(*ii*) construct a building over any drain, culvert or gutter vested in the Council.

(*2*) The Chief Officer may, by written notice, require any person—

(*i*) to demolish, alter, remake, or otherwise deal with any drain constructed in contravention of sub-section (*1*), as he may think fit; or

(*ii*) to pull down or otherwise deal with any building or part thereof constructed in contravention of sub-section (*1*) as he may think fit.

[1] These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 27 and 28. [2] These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 27 and 28. [3] These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 27 and 28. [4] These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 27 and 28.

[5] These words were substituted for the words —the control of the Council‖ by Mah. 4 of 1974, s. 29.

(*3*) Any person who contravenes any provision of sub-section (*1*), shall, on conviction, be punished with fine which may extend to [1][one thousand rupees, and in the case of continuing offence with further fine which may extend to one hundred rupees for every day after the first during which such contravention continues.]

211. Power in respect of drains, etc., unauthorisedly constructed, rebuilt or unstopped.—(*1*) If any drain, privy, water-closet, house-gully or cesspool on any land within a municipal area, is constructed, rebuilt or unstopped either without the consent or contrary to the orders, directions or by-laws, of the Council or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped, the Chief Officer, subject to, [2][the control of the President,] may, by written notice, require such drain, privy, water-closet, house-gully or cesspool to be demolished, amended, or altered as it may deem fit.

(*2*) Any person who fails to comply with any notice issued by the Chief Officer under sub-section (*1*), shall, on conviction, be punished with fine which may extend to [3][one thousand rupees, and in the case of continuing offence with further fine which may extend to one hundred rupees for every day after the first during which such contravention continues.]

212. Inspection of drains, etc.— (*1*) The Chief Officer, after due notice to the occupier, may inspect any drain, privy, water-closet, house-gully, gutter or cesspool; and for that purpose, at any time between sunrise and sunset may enter upon any lands or buildings with assistants and workmen, and cause the ground or any other structure to be opened or broken where he or they may think fit, doing as little damage as may be.

(*2*) The expense of such inspection and of causing the ground or the structure to be closed or repaired and made good as before shall be borne by the Council, unless the drain, privy, water-closet, house-gully, gutter or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment or of any by-laws or orders thereunder in force at the time or issued in respect of such construction; in which case such expense shall be paid by the owner of such drain, privy, water-closet, house-gully, gutter or cesspool, and shall be recoverable in the same manner as an amount due on account of a property tax.

213. Council may execute certain works without option to person concerned of executing the same.— (*1*) The Council may, if it think fit, cause any work, the execution of which may be ordered by or on behalf of the Council under any of the foregoing provisions of this Chapter, to be executed by municipal or other agency under its own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(*2*) The expenses of any work so done shall be paid by the person aforesaid, unless the Council shall, by a general or special order or resolution, sanction the execution of such work at the charge of the municipal fund.

214. Pipes, etc. construct by Council to be municipal property.— Any pipes, fittings, receptacles, or other appliances, for or connected with the drainage of any private building or land, shall, if supplied, constructed or erected at the expense of the Council, be deemed to be municipal property, unless the Council shall have transferred its interest therein to the owner of such building or land.

CHAPTER XIV

WATER SUPPLY

215. Prohibition of certain acts affecting the municipal water works.— (*1*) A Council may, with the sanction of the Director, demarcate and notify the limits of the water-shed of any lake, tank,

1 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 14. 2 These words were substituted for the words ―the control of the Council‖ by Mah. 4 of 1974, s. 30.

3 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 15.

well or reservoir from which water is derived for the municipal water-work or use by the residents of the municipal area.

(*2*) Except with the permission of the Council, no person shall—

(*a*) erect any building for any purpose whatever within such limits;

(*b*) remove, alter, injure, damage or in any way interfere with any boundary marks of such water-shed;

(*c*) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits; or

(*d*) carry on, within the said limits any operation of manufacture, trade or agriculture in any manner, or do any act whatever, whereby injury may arise to any such lake, tank, well or reservoir or to any portion thereof or whereby the water of such lake, tank, well or reservoir may be fouled or rendered less wholesome.

(*3*) Except with the permission of the Chief Officer, no person shall—

(*a*) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought there into or thereupon anything, or to be done any act, whereby the water therein may be in any way fouled or polluted or its quality altered;

forming part of any such work by digging thereinto or depositing thereon any substance;

(*c*) cause or suffer to enter into the water in such work any animal;

(*d*) bath in or near such work;

(*e*) throw or put anything into or upon the water in such work;

(*f*) wash or cause to be washed in or near such work any animal or thing.

(*4*) Whoever contravenes any provision of sub-section (*2*), shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to [1][one thousand rupees,] or with both.

(*5*) Whoever contravenes any provision of sub-section (*3*), shall be deemed to have committed an offence punishable under section 277 of the Indian Penal Code (XLV of 1860).

(*6*) When any person is convicted under sub-section (*4*), the Magistrate who convicts him may order the immediate removal of any building, or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(*7*) If any order made under sub-section (*6*) is disobeyed or the execution thereof resisted, the offender shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to [2][three thousand rupees,] or with both.

216. Prohibition of wilful or neglectful acts relating to water works.— (*1*) No person shall wilfully or negligently—

(*a*) injure or suffer to be injured any meter belonging to the Council or any of the fitting of any such meter;

(*b*) break, injure or open any lock, seal, cock, valve, pipe, work, engine, cistern or fitting appurtaining to any municipal water-work;

(*c*) do any act or suffer any act to be done whereby the water in, or derived from, any municipal water-work, shall be wasted;

(*d*) obstruct, divert or in any way injure or alter any water-main or duct;

1 These words were substituted for the words —one hundred rupees‖ by Mah. 1 of 2011, s. 16(*1*). 2 These words were substituted for the words —three hundred rupees‖ by Mah. 1 of 2011, s. 16(*2*).

(*e*) except with the permission of the Chief Officer, open, break, injure or tamper with any lock furnished under the provisions of this Act.

(*2*) Whoever contravenes any provision of sub-section (*1*) shall, on conviction, be punished with fine which may extend to [1][one thousand rupees.]

217. Prohibition of constructing drains, etc., near sources of water supply.— (*1*) The Chief Officer, may by a written notice, require the owner or occupier on whose land any drain, privy, water-closet, cesspool, or other receptacle for filth or refuse for the time being exists within such distance as may be prescribed by by-laws, from any spring, well, stream, channel, tank, reservoir or other source from which water is or may be derived for public use, and which would be in a position where such source of water is likely to be injured or the water therein polluted, to remove or close such drain, privy, water-closet, cesspool or other receptacle for filth or refuse, within one week from the date of service of the notice.

(*2*) Whoever fails to comply with the notice under sub-section (*1*), shall, on conviction, be punished with fine which may extend to [2][five hundred rupees] and in the case of continuing offence with further fine which may extend to [3][fifty rupees] for every day after the first during which such offence continues.

218. Power of carrying water mains.— For the purpose of obtaining a supply or an additional supply of water or of distributing the same, the Council shall have the same powers and be subject to the

same restrictions for carrying, renewing, repairing, altering and inspecting water mains, pipes and ducts within or without the municipal area as it has and is subject to under the provisions hereinbefore contained for carrying, renewing, repairing, altering and inspecting drains within the municipal area.

219. Power to require water supply to be taken.— If at any time it appears to the Chief Officer that any building or land in the municipal area is without a proper supply of protected water, the Chief Officer, subject to [4][the control of the President,] may by written notice require the owner, lessee or occupier of the building or land to obtain from municipal water works such quantity of water as may be adequate for the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of such size, materials and description and to take all necessary steps for the purpose as prescribed by-laws, if any, and if no by-laws have been framed, then as the Chief Officer may consider necessary.

[5][**219A. Obligation of Council to partake common facility.—** If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Council, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette*:

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Council to make within fifteen days a representation, if any, in this regard. If the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same.]

220. Powers and duties with regard to dangerous, stagnant or insanitary sources of water supply.— (*1*) The Chief Officer may at any time by written notice, require that the owner of or any person who has the control over any well, stream, channel, tank or other source of water-supply, shall, whether such source is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (*d*) within twenty-four hours of such notice,—

1 These words were substituted for the words —one hundred rupees‖ by Mah. 1 of 2011, s. 17. 2 These words were substituted for the words —fifty rupees‖ by Mah. 1 of 2011, s. 18(*1*).

3 These words were substituted for the words —five rupees‖ by Mah. 1 of 2011, s. 18(*2*).

4 These words were substituted for the words —the control of the Council,‖ by Mah. 4 of 1974, s. 31. 5 Section 219A was inserted by Mah. 28 of 2012, s. 7.

(*a*) keep and maintain any such source of water-supply, other than a stream in good repairs; or

(*b*) cleanse any such source of water-supply from silt, refuse and decaying vegetation; or

(*c*) in such manner as the Chief Officer may prescribe, protect any such source of water supply from pollution or contamination; or

(*d*) repair, protect or enclose in such manner as the Chief Officer approves any such source of water-supply, if for want of sufficient repair, protection or enclosure, such source of water-supply is, in the opinion of the Chief Officer, dangerous to the health or safety of the public or of any person having occasion to use or to pass or approach the same; or

(*e*) desist from using and from permitting others to use for drinking purposes any such source of water-supply, which is proved to the satisfaction of the Chief Officer to be unfit for drinking; or

(*f*) if, notwithstanding any such notice under clause (*e*), such use continues and cannot in the opinion of the Chief Officer be otherwise prevented, close either temporarily or permanently or fill up or enclose or fence in such manner as the Chief Officer considers sufficient to prevent such use of such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any source of water-supply or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Chief Officer considers to be injurious to health or offensive to the neighbourhood.

(*2*) If the owner or person having control as aforesaid, fails or neglects to comply with any notice under sub-section (*1*) within the time specified therein, the Chief Officer may and if in his opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice; and all the expenses incurred therein by the Chief Officer shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount due on account of a property tax:

Provided that, in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or any section of the public as of right, the expenses incurred by the Chief Officer or necessarily incurred by such owner or person having such control, may if the Council so directs, be paid from the municipal fund.

(*3*) The Chief Officer may, by written notice, require the owner or occupier of any land to cut down, lop or trim all trees or shrubs which so overhang any public tank, well or other source of water-supply as to pollute or be likely to pollute the water thereof.

221. Power to regulate bathing and washing places.— (*1*) The Council may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of persons by whom, such places may be used, and may also set apart suitable places for washing animals, clothes or vessels or for any other purpose connected with the health, cleanliness or comfort of the inhabitants of the municipal area.

(*2*) [1][The Chief Officer, subject to the control of the President,] may by public notice prohibit bathing or washing animals, clothes or vessels or doing any other thing in any public place not so set apart, or at times or by persons other than those specified under sub-section (*1*) or may prohibit other act by which water in public places may be rendered foul or unfit for use or which may cause inconvenience or annoyance to persons using the bathing or washing places.

(*3*) Any person who contravenes any provision of sub-section (*2*), shall, on conviction, be punished with fine which may extend to [2][five hundred rupees.]

1 These words were substituted for the words ―The Council‖ by Mah. 4 of 1974, s. 32. 2 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 19.

222. Inspection of Municipal water-works by persons appointed by State Government.—Any person appointed by the State Government for the purposes of inspection of municipal waterworks shall, at all reasonable times, have liberty to enter upon and inspect such water-works.

223. Digging of wells, etc., without permission prohibited.— (*1*) No new well, tank, pond, cistern or fountain shall be dug or constructed, without the previous permission in writing of the Chief Officer.

(*2*) If any such work is begun or completed without such permission, the Chief Officer may either—

(*a*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Chief Officer shall prescribe; or

(*b*) grant written permission to retain such work but such permission shall not exempt such owner from any proceedings for contravening the provisions of sub-section (*1*).

CHAPTER XV

PUBLIC SAFETY AND CONVENIENCES

224. Fencing and lighting during repairs, etc.— (*1*) The Chief Officer shall, during the construction or repair of any of the streets, drains or other premises vested in the Council, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts as he shall think fit, to be fixed across or in any street to prevent the

passage of carriages, carts or other vehicles, or of cattle or horses, while such construction or repair is being carried on and shall cause any such construction or repair work in a street to be sufficiently lighted and guarded during the night.

(*2*) Whoever takes down, alters or removes any of the said bars, chains, or posts removes or extinguishes any such light without the authority or consent of the Chief Officer, shall, on conviction, be punished with fine which may extend to [1][two thousand and five hundred rupees.]

225. Dangerous quarrying.— (*1*) If in the opinion of the Chief Officer, the working of any quarry or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having a light of access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Chief Officer may, by written notice, require the owner of the said quarry or place or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material, or to take such other measures in respect of such quarry or place as the Chief Officer shall direct for the purpose of preventing the danger or of abating the nuisance arising or likely to arise therefrom:

Provided that, if such quarry or place is vested in Government or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of Government or any person acting with the permission or under the authority of Government or any Government Officer acting as such, the Chief Officer shall not take such action, unless and until the Collector has consented to his so doing:

Provided further that, the Chief Officer shall immediately cause a proper hoard or fence to be put up for the protection of passengers, near such quarry or place, if it appears to him to be necessary in order to prevent imminent danger.

(*2*) Any expense incurred by the Chief Officer in taking action under this section shall be paid by such owner or the person responsible for such working or removal, and shall be recoverable in the same manner as an amount due on account of property tax.

226. Hoards to be set up during repairs, etc.— (*1*) A person intending to construct or take down any building or to alter or repair any building externally shall, if the position or circumstances of the work is or are likely to cause or may cause obstruction, danger or inconvenience in any street, before beginning such work—

1 These words were substituted for the words ―two hundred and fifty rupees‖ by Mah. 1 of 2011, s. 20.

(*a*) first obtain permission in writing from the Chief Officer so to do; and

(*b*) cause sufficient hoards or fences to be put up in order to separate the area where the work is to be carried on from the street, and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Chief Officer during such time as the Chief Officer considers necessary for the public safety or convenience, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the Chief Officer.

(*2*) Whoever contravenes any provision of sub-section (*1*) shall, on conviction, be punished with fine which may extend to [1][five hundred rupees] and in the case of continuing contravention with further fine which may extend to [2][one hundred rupees] for every day after the first during which such contravention continues.

227. Power to require precaution in place of public entertainments.— (*1*) It shall be the duty of the manager or proprietor of any place for public entertainment to make such provision as may be prescribed by the by-laws or if no by-laws have been framed, as the Chief Officer may by written notice require, for the prevention and extinction of fire, and for the easy exit of the audience in case of fire.

(*2*) Any person who contravenes any provision of sub-section (*1*) shall, on conviction, be punished with fine which may extend to [3][five thousand rupees] and in the case of continuing contravention with further fine which may extend to [4][two hundred and fifty rupees] for every day after the first during which such contravention continues.

228. Powers for suppression of fires.— (*1*) It shall be the duty of all police officers and all municipal officers and servants to aid the fire-brigade in the execution of its duties.

(*2*) On the occasion of a fire within the limits of a municipal area, any Magistrate, the President, the Chief Officer, [5][the Municipal Fire Officer] or any member of a fire-brigade maintained by the Council or by the State Government directing the operations of the brigade and if directed so to do by any of the persons aforesaid, any police officer above the rank of a constable, may—

(*a*) remove or order removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;

(*b*) close any street or passage in or near which any fire is burning;

(*c*) for the purpose of extinguishing the fire, break into or through or pull down or cause to be broken into or through or pulled down, or use for the passage of houses or other appliances, any premises;

(*d*) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(*e*) call on the persons in charge of any fire-engine to render such assistance as may be possible; and

(*f*) generally, take such measures as may appear necessary for the preservation of life or property.

[6][(*2A*) A report of every fire which occurs in the municipal area shall be submitted by the Municipal Fire Officer or any member of the fire-brigade not later than the day following the fire to the Chief Officer, who shall make such further inquiry, if any, as he may deem necessary; and shall furnish a monthly return of all fires which occur in the municipal area, to the Standing Committee, the District Magistrate and the Fire Advisor to the Government of Maharashtra.]

1 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 21(*1*).

2 These words were substituted for the words ―ten rupees‖ by Mah. 1 of 2011, s. 21(*2*). 3 These words were substituted for the words ―five hundred rupees‖ by Mah. 1 of 2011, s. 22(*1*). 4 These words were substituted for the words ―twenty-five rupees‖ by Mah. 1 of 2011, s. 22(*2*). 5 These words were inserted by Mah. 26 of 1990, s. 5(*a*).

6 Sub-section (*2A*) was inserted by Mah. 26 of 1990, s. 5(*b*).

(*3*) When any Government building is endangered by such fire, any Government officer for the time being in charge of the building may exercise the powers conferred by sub-section (*2*).

(*4*) No compensation shall be payable by any person for any act done by him in good faith under sub-section (*1*) or (*2*).

CHAPTER XVI

NUISANCES

229.Depositing dust, etc., committing nuisance.— (*1*) Whoever deposits or causes or suffers any member of his family or house hold to deposit any dust, dirt, dung, ashes, refuse or filth of any kind or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance or danger, in any street or in any arch under a street or in any drain beside a street or on any open space not being private property or on any quay, jetty or landing place or on any part of the seashore, or the bank of tidal river, or whether above or below high water mark, or on the bank of the river, water course or *nullah*, except at such places, in such manner and at such hours as shall be fixed by the Chief Officer, and whoever commits or suffers any members of his family or household to commit nuisance in any such place as aforesaid, shall, on conviction, be punished with fine which may extend to [1][one thousand rupees.]

(*2*) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matters described in sub-section (*1*) except night-soil or except with the permission of the Chief Officer, any night-soil into any drain, culvert, tunnel, gutter or water-course, and whoever commit nuisance or suffers any member of his family or household to commit nuisance in any such drain, culvert, tunnel, gutter or water-course, or in such close proximity thereto as to pollute the same, shall, on conviction, be punished with fine which may extend to [2][one thousand rupees].

230. Discharging sewage, etc.— Whoever causes or allows the water of any sink, sewer or cesspool or any other liquid or other matter which is or which is likely to become a nuisance, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Chief Officer or who fails to comply with any condition prescribed in such permission, shall, on conviction be punished with fine which may extend to [3][one thousand rupees, and in the case of continuing offence with further fine which may extend to one hundred rupees for every day after the first during which such contravention continues].

231.Non-removal of filth, etc.— Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall, on conviction, be punished with fine which may extend to [4][one thousand rupees] and in the case of continuing offence with further fine which may extend to [5][two hundred rupees] for every day after the the first during which such contravention continues.

232.Removal of night-soil.— (*1*) The Chief Officer may from time to time fix the hours within which and the routes by which only it shall be lawful to remove any night-soil or such other offensive matter.

(*2*) The Chief Officer shall cause a notice of such hours and routes to be given in the manner prescribed in section 326.

1 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 23(*1*). 2 These words were substituted for the words ―one hundred rupees by Mah. 1 of 2011, s. 23(*2*).

3 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 24. 4 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 25(*1*).

5 These words were substituted for the words ―twenty rupees‖ by Mah. 1 of 2011, s. 25(*2*).

(*3*) Whoever,—

(*a*) when the Chief Officer has fixed such hours and routes and given such public notice, removes or causes to be removed along any street any such offensive matter at any time except within the hours so fixed, or by any route other than that fixed by the Chief Officer; or

(*b*) at any time, whether such hours or routes have been fixed by the Chief Officer or not,—

(*i*) uses for any such purpose any cart, carriage, receptacle or vessel, not having a covering sufficient for preventing the escape of the contents thereof and of the stench therefrom; or

(*ii*) wilfully or negligently slopes or spills any such offensive matter in the removal thereof; or

(*iii*) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled; or

(*iv*) places or sets down in any public place any vessel containing such offensive matter,

shall, on conviction, be punished with fine which may extend to [1][one thousand rupees].

[2][(*4*) (*a*) No person shall require or compel any other person to carry, and no person shall carry, night-soil as a head-load for removing it from any premises or place to any other premises or place, or for disposal, in any part of the municipal area.

(*b*) Whoever contravenes any provision of clause (*a*) shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to [3][ten thousand rupees], or with both.

(*c*) Whoever abets any offence punishable under this sub-section shall, if the act abetted is committed in consequence of the abetment, be punished with the punishment provided for such offence.]

233. Using offensive manure, etc.— Whoever, except with the written permission of the Chief Officer, and in accordance with the conditions of such permission, stores or uses night-soil or other manure or substance emitting an offensive smell in such manner as to be a nuisance to the neighbourhood, shall, on conviction, be punished with fine which may extend to [4][one thousand rupees.]

234.Abatement of nuisance from wells, etc.— If, in the opinion of the Chief Officer—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water course, or any collection of a water; or

(*b*) any cistern or other receptacle for water whether within or outside a building; or

(*c*) any land on which water is accumulated,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the Chief Officer may, by notice in writing, require the owner thereof to—

(*i*) fill up, cover over or drain off the same in such manner and with such materials as the Chief Officer shall prescribe; or

(*ii*) take such measures with respect to the same including treatment by such physical, chemical or biological methods for removing or abating the nuisance as may be prescribed in the notice.

1 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 26(*1*). 2 Sub-section (*4*) was added by Mah. 67 of 1981, s. 3.

3 These words were substituted for the words ―one thousand rupees‖ by Mah. 1 of 2011, s. 26(*2*).

4 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 27.

235.Buildings or rooms in buildings unfit for human habitation.— (*1*) If, for any reason, it shall appear to the Council that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the Council shall give to the owner or occupier of such building notice in writing, stating such reason, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, and shall, in such notice, call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Council invalid or insufficient, the Council may, by an order in writing, prohibit the further use of such building or room as a dwelling.

(*2*) When any such prohibition as aforesaid has been made by the Council, the Chief Officer shall cause notice of such prohibition to be affixed to, and the words ―unfit for human habitation‖ and corresponding expression in Marathi to be painted on the door or some conspicuous part of such building or room, as the case may be; and no owner or occupier of such building or room, shall use or suffer the same to be used for human habitation until the Council certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.

236.Filthy buildings, etc.— (*1*) If any building or land, whether tenantable or otherwise, is—

(*i*) in an insanitary, filthy or unwholesome state; or

(*ii*) in the opinion of the Chief Officer a nuisance to persons residing in the neighbourhood; or

(*iii*) overgrown with prickly-pear or rank and noisome vegetation,

the Chief Officer may, by written notice, require the owner or occupier of such building or land to clean, lime-wash internally or externally, clear, or otherwise put such building or land in a proper state.

(*2*) Any person who fails to comply with the notice issued under sub-section (*1*) shall, on conviction, be punished with fine which may extend to [1][one thousand rupees], and in the case of continuing non-compliance with further fine which may extend to [2][one hundred rupees] for every day after the first, during which such non-compliance continues.

(*3*) Where any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby—

(*a*) becoming a resort of idle and disorderly persons, or of persons who have no ostensible means of subsistence or who cannot give a satisfactory account of themselves; or

(*b*) coming into use for any insanitary or immoral purpose; or

(*c*) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to objection that it is a source of nuisance or danger or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the Council, if it considers such objection cannot under any other provision of this Act be otherwise removed, may, if there is any person known or resident within the municipal area who claims to be the owner of such building, by written notice directed to such person, require such person or in any other case by written notice fixed on the door or any other conspicuous part of the building, require all person claiming to be interested in such building, within a period which shall be specified in the notice and which shall not be less than one month from the date of such notice, to—

(*i*) take such measure as may be specified in the notice to remove or to prevent such nuisance, danger, discomfort, inconvenience or annoyance; or

(*ii*) cause such building to be take down and the materials thereof to be removed.

CHAPTER XVII

1 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 28(*1*). 2 These words were substituted for the words ―ten rupees‖ by Mah. 1 of 2011, s. 28(*2*).

PREVENTION AND CONTROL OF DANGEROUS DISEASES

237.Dangerous diseases.— For the purpose of this Chapter, the expression ―dangerous disease‖ means any of the following diseases, namely :—

(*i*) anthrax;

(*ii*) Cerebrospinal fever;

(*iii*) Chicken-pox;

(*vi*) Cholera;

(*v*) Diphtheria;

(*vi*) Enteric group of fevers;

(*vii*) Erysipelas;

(*viii*) Influenzal Pneumonia-acute influenza;

(*ix*) Leprosy;

(*x*) Measles;

(*xi*) Plague;

(*xii*) Poliomyelitis;

(*xiii*) Rabies;

(*xiv*) Relapsing fever;

(*xv*) Scarlet fever;

(*xvi*) Small-pox;

(*xvii*) Tuberculosis of Lungs and intestines;

(*xviii*) Typhus;

(*xix*) Yellow fever;

(*xx*) Continuous pyrexia of unknown origin of more than four days, duration;

(*xxi*) Any other disease which the State Government may, from time to time, by notification in the *Official Gazette*, declare to be a dangerous disease.

238.Power to prohibit use of public conveyances for carriage of persons suffering from dangerous diseases.— In any municipal area in which the Council has provided suitable conveyance for the free carriage of persons suffering from any dangerous disease, it shall be lawful for the Council by a public notice to prohibit the Conveyance of such persons in all or any public conveyances, and to direct that any conveyance that may, any time, be used for conveying any such person, be immediately disinfected.

239. Restrictions on persons suffering from dangerous diseases.— (*1*) No person suffering from any dangerous disease shall wilfully expose himself, and no person in charge of any person suffering from a dangerous disease shall expose such person, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, *dharmashala*, theatre, market, or to other place of public resort.

(*2*) No person suffering from any dangerous disease shall—

(*a*) make or offer for sale any article of food or drink for human consumption or any medicine or drug; or

(*b*) wilfully touch any such article, medicine or drug when exposed for sale by other; or

(*c*) take any part in the business of washing or carrying clothes.

(*3*) No person on whom an order has been served in this behalf by the Chief Officer shall remove to another place, or transfer to another person, except for the purpose of disinfection any article which the person prohibited knows or has reason to believe has been exposed to infection of any kind whatsoever from any dangerous disease.

240.Control and prevention of dangerous diseases.— (*1*) In the event of a municipal area being threatened or visited at any time by the outbreak of any dangerous disease, the Council shall take measures for the prevention, treatment and control of the disease, including isolation of persons suffering from such disease and for investigating the causes of the prevalence of the outbreak of the disease.

(*2*) The Collector may, by notification published in the *Official Gazette*, and locally in such other manner as he deems fit, declare that a municipal area is visited or is threatened by the outbreak of a dangerous disease and thereupon the Collector may, by an order, require the Council to take such measures for the prevention, treatment, and control of such disease and within such period as may be specified in the order and it shall be the duty of the council to comply with any order issued by the Collector.

(*3*) If the Council fails to comply with any order issued by the Collector under sub-section (*2*), the Collector may appoint any person to take such other steps as may be necessary to give effect to the order and all expenses incurred by the person so appointed or by the Collector shall be borne by the Council.

241.Information to be given to the Chief Officer or Health Officer about incidence of dangerous diseases.— It shall be the duty of—

(*i*) every medical practitioner who, in the course of his practice, becomes cognizant of a case or a suspected case of a dangerous disease in any house or place other than a public hospital;

(*ii*) the medical officer in charge of any hospital or dispensary at which any person suffering from or suspected to be suffering from any dangerous disease is treated or brought for treatment;

(*iii*) the manager of a factory or the headmaster of a school or the keeper of a lodging house who knows or has reason to believe that any person in any premises under his management or control is suffering from or has died of any dangerous disease;

(*iv*) any head of the house-hold who knows or has reason to believe that any person residing with him is suffering from a dangerous disease;

to give information of the same with the least practicable delay to the Chief Officer or the Health Officer of the Council.

242.Power of entry into places where cases of dangerous diseases suspected.— The Chief Officer, the Health Officer or any person duly authorised by the Chief Officer, or the Health Officer may, at any time, by day or night, enter with or without assistants, into or upon any place in which a case of a dangerous disease is reported or suspected to exist, after giving such notice as may appear to him reasonable and without any notice in the case of factories, workshops, workplaces, officers, business places and the like, for the purposes of inspection, investigation and adoption of such measures as he may consider necessary to prevent the spread of the disease, including the removal of an infected person to any hospital or place at which persons suffering from the said disease are received for medical treatment, and to prohibit the person so removed from leaving such hospital or place without the permission of the officer or person under whose orders he was removed or of the officer in charge of such hospital or place:

Provided that, where the Collector has made a declaration under subsection (*2*) of section 240, it shall be lawful for the Chief Officer, the Health Officer or any authorised person to enter any place in which a case of dangerous disease is reported or suspected to exist without notice.

243. Chief Officer or Health Officer may direct owner or occupier to take certain precautionary measures and in default, carry out the same.— The Chief Officer or the Health Officer or any other municipal officer duly authorised by the Chief Officer or the Health Officer in this behalf may by written notice—

(*a*) require the owner or the occupier of any building or part of a building in which a case of a dangerous disease occurs, to get such building cleaned, white-washed or disinfected or get any article in such building cleansed or disinfected to the satisfaction of the officer issuing such notice;

(*b*) prohibit the letting of or the providing of accommodation in any hotel, inn, *dharmashala*, or *sarai* in which a person has, or in which there is reason to believe that a person has been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, cleansed, white-washed or disinfected or any article therein cleansed or disinfected to the satisfaction of the officer issuing such notice:

Provided that—

(*i*) if, in the opinion of the Chief Officer, or the Health Officer, or such authorised officer, the owner or occupier is too poor to pay for the cost of disinfecting, cleansing or white-washing, he may direct such disinfecting, cleansing or white-washing to be done at the cost of the municipal fund;

(*ii*) when a declaration has been made by the Collector under sub-section (*2*) of section 240, the Chief Officer, the Health Officer or such authorised officer may at any time get such

disinfecting, cleansing or white-washing done without notice by the municipal staff at the cost of the municipal fund.

244.Prohibition of use of water likely to spread dangerous disease.— (*1*) If it appears to the Council that the water of any well, tank or other place is likely, if used for the purpose of drinking, bathing, washing or for any other purpose, to endanger health or cause the spread of any dangerous disease, the Council may—

(*i*) require the owner or the person in charge of such well, tank or other place by written notice to take such measures as may be necessary to prevent danger to public health or prevent the spread of any dangerous disease;

(*ii*) by public notice, prohibit the removal or use of the said water for any such purpose and may take such steps as may be necessary to prevent any person from removing or using water from such well, tank, or other place:

Provided that, when a declaration under sub-section (*2*) of section 240, has been made by the Collector, it shall be lawful for the Chief Officer or the Health Officer to take action under this sub-section and report the action taken to the Council for approval.

(*2*) No person shall remove or use the water from any well, tank or other place in respect of which any such public notice has been issued.

245.Additional powers of Council on threatened outbreak of dangerous disease.— If a declaration is made by the Collector under sub-section (*2*) of section 240, the Council shall have power—

(*a*) to order with the previous permission of an Executive Magistrate, the evacuation of an infected building used as a dwelling or of any part thereof, or of any building so used adjacent to such building by the person or persons residing, whether habitually or temporarily, therein, provided that accommodation for all persons affected by the order is available or is provided elsewhere;

(*b*) to order with the previous permission of an Executive Magistrate, the destruction of any insanitary shed or hut in which there is or has been a case of a dangerous disease or which is likely to spread any dangerous disease;

(*c*) to prohibit either generally or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the Health Officer of the Council or of the Civil Surgeon, such assemblages in such place or in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent;

(*d*) to direct the examination by a medical officer of persons and if necessary, the disinfection of the clothing, bedding or other articles suspected of being infected, belonging to persons either arriving from places outside the municipal area or residing in any building adjacent

to any infected building, and to direct that any such person shall give his name and address and present himself daily for a medical examination at such times and places as may be prescribed, for a period not exceeding ten days.

246.Penalty for contravention of provisions relating to dangerous diseases.— (*1*) Whoever knowingly contravenes any provision of section 238, 239, 241, 242, 243 or 244 or clause (*d*) of section 245, or disobeys any order or requisition made under any of the aforesaid sections, or obstructs any officer of the Council or other person acting under the authority of the Council in carrying out executively any such order, shall, on conviction, be punished with fine which may extend to [1][two thousand rupees] and in the case of continuing offence with further fine which may extend to [2][two hundred rupees] for every day after the first during which such contravention continues.

(*2*) Whoever contravenes any provision of clause (*a*), (*b*) or (*c*) of section 245, or disobeys any order or requisition made under any of all aforesaid clauses, or obstructs any officer of the Council or other person acting under the authority of the Council in carrying out executively any such order, shall, on

conviction, be punished with fine which may extend to [3][ten thousand rupees,] and in the case of continuing offence with further fine which may extend to [4][five hundred rupees] for every day after the first during which such contravention continues.

247. Payment of compensation.— The Council may, in its discretion, give compensation to any person who sustains substantial loss or damage by reason of any action taken or required to be taken under sections 242, 243, 244 and 245, but except as allowed by the Council, no claim for compensation shall lie for any loss or damage caused by the exercise of any of the powers specified in the aforesaid sections.

248. Diseases among animals.— In the event of a municipal area being threatened or visited at any time by the outbreak of any infectious disease amongst cattle, sheep, goats or other animals, the Council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof, and the provisions of sections 238 to 247, shall *mutatis mutandis* apply.

249. Proceedings to abate overcrowding of interiors of buildings.— (*1*) Whenever the Council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Council may cause of proceedings to be taken before an Executive Magistrate for the purposes of obtaining an order to prevent such overcrowding.

(*2*) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease and after such further inquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said buildings to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(*3*) If the owner of the said building shall have let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building.

(*4*) It shall be incumbent on any owner, to whom a requisition is issued under sub-section (*2*), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed in such requisition, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(*5*) Any owner who after the date specified in any requisition issued under sub-section (*2*), permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with the notice given to him under sub-section (*4*),

1 These words were substituted for the words ―two hundred rupees‖ by Mah. 1 of 2011, s. 29(*1*)(*a*).

2 These words were substituted for the words ―twenty rupees‖ by Mah. 1 of 2011, s. 29(*1*)(*b*). 3 These words were substituted for the words ―one thousand rupees‖ by Mah. 1 of 2011, s. 29(*2*)(*a*).

4 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 29(*2*)(*b*).

shall, on conviction, be punished with fine which may extend to [1][one hundred rupees] for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

250. Withdrawal and modification of powers and orders under this Chapter.— (*1*) The State Government may by notification in the *Official Gazette*, at any time,—

(*a*) withdraw all or any of the powers conferred under sections 238 to 249 from any Council;

(*b*) impose any limitations, restrictions or conditions on any Council in respect of the exercise of any such powers; or

(*c*) cancel any order passed by a Council in the exercise of any such power.

(*2*) Every order issued by a Council or any authority or officer subordinate to the Council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipal area, except as respects things done or omitted to be done before such order ceases to be in force.

(*3*) The State Government may by like notification at any time reconfer any such powers on a Council from which they are withdrawn under sub-section (*1*).

251. Special powers in respect of overcrowding area.— (*1*) If the Council is of opinion that risk of disease has arisen or is likely to arise either to any occupier in, or to any inhabitant in the neighbourhood of, any part of the municipal area by reason of any of the following defects, namely :—

(*a*) the manner in which either buildings or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together; or

(*b*) the impracticability of cleansing any such buildings or blocks of buildings, already existing or projected; or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein for the drainage or scavenging of any such buildings or blocks as aforesaid; or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or group of buildings,

the Council may, if any of its powers are not withdrawn under the last preceding section, exercise the following powers, namely :—

(*i*) power when any building or block already existing or in course of erection, by reason of any defect specified in clause (*a*), (*b*), (*c*) or (*d*), has given or is in the opinion of the Council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed, as the Council deems fit, either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection that the persons so addressed shall, within such reasonable time as shall be specified in the notice, either pull down or remove such building or block, or execute such works or take such action in connection therewith as the Council deems necessary to prevent such risk;

(*ii*) power by municipal or other agency to pull down or remove such building or block, or to execute such works or to take such action as aforesaid, if the persons addressed in the said notice neglect so to do within the time specified therein.

(*2*) When, in pursuance of any notice under sub-section (*1*), any building has been pulled down, the Council shall, unless such building has been erected contrary to any provision of this Act or of any by-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby,

1 These words were substituted for the words ―ten rupees‖ by Mah. 1 of 2011, s. 30.

reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 330.

(*3*) Whoever commits a breach of any notice given or of any condition imposed by the Council in exercise of any power under this section shall, on conviction, be punished with fine which may extend to [1][five thousand rupees.]

CHAPTER XVIII

DISPOSAL OF DEAD BODIES AND CARCASSES OF ANIMALS

252. Council to provide or permit burning and burial grounds.— (*1*) A Council may, with the previous sanction of the Collector, provide suitable places for burning or burying or otherwise disposing

of dead bodies and may charge for the use of any such place or for the supply of any material such fees as the Council may from time to time determine.

(*2*) No person shall, after the appointed day, open or provide any new place within the municipal area for the disposal of dead bodies, except with the permission of the Council:

Provided that—

(*i*) no such permission shall be granted by the Council without the sanction of the Collector;

(*ii*) in granting such permission, it shall be lawful for the Council to impose, with the sanction of the Collector, such conditions as it may deem fit.

(*3*) The Council may at any time by a general or special notice require any person owning or maintaining any place for the disposal of the dead on the appointed day, to take such measures to maintain such place in good order and in a safe sanitary condition as may be specified in the notice or may apply to the Collector under the next succeeding section to close the place.

(*4*) The conditions to be imposed under sub-section (*2*) or the measures required to be taken under sub-section (*3*) shall not be inconsistent with any by-law as framed by Council for the maintenance of places for the disposal of the dead, due regard being had to the religious usages of the community or section of the community entitled to use of such place.

(*5*) Any person who contravenes any provision of sub-section (*2*) shall, on conviction, be punished with fine which may extend to [2][five thousand rupees].

253. Closing of places for disposal of dead.— (*1*) Where the Council is of opinion that any place for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, or that any such place should be closed for any other reason, the Council may submit its opinion with the reasons therefor to the Collector and the Collector thereupon, after such further inquiry, if any, as he shall deem fit to cause to be made, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(*2*) A copy of the said notification together with a translation thereof in Marathi shall be published in the local newspapers, if any, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(*3*) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall, on conviction, be punished with fine which may extend to [3][two thousand and five hundred rupees.]

254. Acts prohibited in connection with disposal of dead.— (*1*) Except with the permission of the Chief Officer, no person shall—

1 These words were substituted for the words ―five hundred rupees‖ by Mah. 1 of 2011, s. 31.

2 These words were substituted for the words ―five hundred rupees‖ by Mah. 1 of 2011, s. 32. 3 These words were substituted for the words ―two hundred and fifty rupees‖ by Mah. 1 of 2011, s. 33.

(*a*) burn, bury or otherwise dispose of any corpse except at a place provided or maintained for the purpose;

(*b*) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(*c*) carry a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Council may, by public notice, from time to time, think fit to require;

(*d*) except when no other route is available, carry a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Council in this behalf;

(*e*) remove a corpse which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(*f*) whilst conveying a corpse, place or leave the same on or near any street without urgent necessity;

(*g*) reopen for the interment of a corpse a grave or vault already occupied;

(*h*) after bringing or causing to be brought to a burning ground any corpse fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;

(*i*) when burning or causing to be burnt any corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other article used for the conveyance or burning of such corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes;

(*j*) exhume any body except under the provision of section 176 of the [1]Code of Criminal Procedure, 1898 (V of 1898), or of any other law for the time being in force, from any place for the disposal of the dead.

Explanation.— For the purposes of this section, the expression ―corpse‖ includes any part thereof.

(*2*) Any person who contravenes any provision of sub-section (*1*), shall, on conviction, be punished with fine which may extend to [2][one thousand rupees].

255. Certificate for disposal of the dead.— No person, in charge of any place for the disposal of the dead, shall permit the disposal of any dead body at such place except on the production of a certificate signed by a registered medical practitioner specifying the date, time and cause of death or a no objection certificate signed by the Chief Officer or a Councillor residing in the locality.

256. Disposal of dead animals.— (*1*) A Council may provide places for the disposal of carcasses of dead animals and may make by-laws regulating the disposal of carcasses of dead animals.

(*2*) The Council may also charge fees at such rates as it may from time to time determine for the disposal of a carcass at any place provided by the Council or through the agency of the Council.

CHAPTER XIX

VITAL STATISTICS

257. Council to provide funds and employ staff for registration.— The Health Officer or if there be no Health Officer such other officer as the Council may appoint in this behalf, shall be the Registrar of Births and Deaths for the Municipal area.

258. Registers of births and deaths.— (*1*) Each Registrar shall keep or cause to be kept in such forms as may from time to time be approved by the Director of Public Health for Government, separate registers of births and deaths and shall record therein all births and deaths taking place in the Municipal area.

1 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

2 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 34.

(*2*) The Registrar shall, if so required by the Director of Public Health, keep a separate register for the registration of still births.

Explanation.— For the purposes of this section—

(*a*) a still born child is one which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being expelled from its mother, breathe or show any other signs of life; and

(*b*) any child born and living for any time, however short, shall be registered as a live birth.

259. Intimation regarding birth.— (*1*) In the case of every child born in any hospital or maternity home or nursing home, it shall be the duty of the medical practitioner-in-charge of such hospital or maternity home or nursing home to send to the Registrar within seven days after the birth of the child, whether dead or alive or still born, a notice of such birth, in such form as may be prescribed by by-laws made in this behalf.

(*2*) In the case of every child born in the Municipal area but not born in a hospital or a maternity home or a nursing home, it shall be the duty of—

(*a*) the medical practitioner, nurse or midwife assisting at the birth of such child;

(*b*) in default of such medical practitioner, nurse or midwife, the father and the mother of the child; and

(*c*) in default of the father and the mother of the child, occupier of the premises in which the child was born and every person present at the birth and the person having charge of the child;

to give to the best of his or her knowledge and belief, to the Registrar, within seven days after such birth, a notice of such birth, in such form as may be prescribed by by-laws made in this behalf:

Provided that, in the case of the mother of the child, this sub-section shall apply as if for the words ―seven days‖ the words ―one month‖ had been substituted:

Provided further that, a person required to give notice only in default of some other person shall not be bound to give such notice if he believed and had reasonable grounds for believing that such notice had already been given by the persons primarily liable for giving such notice.

(*3*) In the case of an illegitimate child, no person shall, as father of such child, be required to give information concerning the birth of such child and the Registrar shall not enter in the register maintained by him, the name of any person as father of the child except of the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

260. Information regarding foundlings.— Whenever a new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed, to give to the best of his knowledge and belief, to the Registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

261. Intimation regarding name of child.— When the birth of any child has been registered and—

(*a*) the name, if any, by which it was registered is altered; or

(*b*) if it is registered without a name, a name is given to it,

the parent or guardian of such child, or any other person causing such name to be altered or given, may within twelve months next after the registration of birth, intimate to the Registrar the name or the altered name and the Registrar upon receipt of such intimation, shall, without any erasure of the original entry, forthwith enter in the register, the name or the altered name, as the case may be, of the child.

262. Information regarding death.— (*1*) The medical practitioner-in-charge of every hospital or maternity home or nursing home shall forward to the Registrar an intimation of each death occurring in the hospital, maternity home or nursing home and the cause of each such death within twelve hours of the death.

(*2*) In the case of every death occurring within the municipal area but outside a hospital, maternity home or nursing home, it shall be the duty of—

(*i*) the nearest relative of the deceased present at the death or in attendance during the last illness of the deceased; and

(*ii*) in default by such relative, each person present at the death and the occupier, caretaker or manager of the premises in which the death took place,

to give, to the best of his knowledge and belief, to the Registrar, before the disposal of the corpse or within twenty-four hours of death, whichever is earlier, an intimation of such death and the cause of such death:

Provided that, a person required to give an intimation only in default of some other person shall not be bound to give such intimation if he believed or had reasonable grounds for believing that such intimation had already been given.

(*3*) The intimation under sub-section (*1*) or (*2*) shall be given in such form as may be prescribed by by-laws made in this behalf.

263. Report by medical practitioners.— Every medical practitioner in attendance during the last illness of any person dying within the municipal area but outside a hospital, maternity home or nursing home shall, within twenty-four hours of his becoming cognisant of the death of such person, send a written intimation to the Registrar stating, to the best of his judgment, the cause of the death; and the cause of the death as stated in the intimation shall be entered in the death register, together with the name of the medical practitioner. The intimation shall be given in such form as may be prescribed by by-laws made in this behalf.

264. Correction of errors in registers.— (*1*) Any clerical error which may at any time be discovered in a register of births or in a register of deaths, may be corrected by the Registrar.

(*2*) An error of fact or substance in any such register may be corrected by the Registrar by an entry in the margin, without any alteration of the original entry, upon production to the Registrar, by the person requiring the error to be corrected, of declaration on oath setting forth the nature of the error and the true facts of the case made before a Magistrate by two persons required by this act to give an intimation concerning the birth or death with reference to which the error has been made or, in default of such person, by two creditable persons having knowledge of the case, and certified by such Magistrate to have been made in his presence:

Provided that, if as a result of any inquest or trial, the cause of death is found to be different from that recorded in the register of deaths, the Registrar shall amend the register so as to record the cause as established at the inquest or trial.

(*3*) The declaration shall be in such form as may be prescribed by by-laws made in this behalf.

(*4*) Except as aforesaid, no alteration shall be made in any such register.

265. Penalty for failure to report births and deaths and for false statements.— (*1*) Any person who fails to give an intimation as required by sections 259, 260, 262 or 263 shall, on conviction, be punished with fine which may extend to [1][five hundred rupees].

(*2*) Any person who wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or register of deaths, any false statements shall, on conviction, be punished with fine which may extend to [1][one thousand rupees].

1 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 35(*1*).

CHAPTER XX

MARKETS,SLAUGHTER-HOUSES,TRADES AND OCCUPATIONS

(1) *Markets and slaughter-houses.*

266. Power to provide and maintain municipal markets and slaughterhouses.— (*1*) The Council may construct, purchase, take on lease or otherwise acquire any building or land for the purpose of establishing a municipal market or a municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets, and slaughter-houses, and such stalls, shops, sheds, pens and other buildings or

conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such machines, weights, scales and measures for weighing and measuring goods sold therein as the Council shall think fit.

(*2*) The Council may, at any time, close either temporarily or permanently any municipal market or municipal slaughter-house or any portion thereof.

267. Private markets, etc., not to be held without licence.— (*1*) No person shall use or allow to be used any place in any municipal area—

(*i*) as a private market; or

(*ii*) as a private slaughter-house; or

(*iii*) for the storage or sale of flesh or fish or animals or birds intended for human foods, except under and in accordance with the conditions of a licence granted in accordance with the provisions of the by-laws made in this behalf:

Provided that, no licence under this section shall be required for selling or storing of flesh or fish contained in hermetically sealed receptacles.

(*2*) Whoever uses or allows to be used any place for any of the purposes specified in sub-section (*1*), without a licence, or in contravention of any conditions subject to which a licence may have been granted under sub-section (*1*), shall, on conviction, be punished with fine which may extend to [2][five thousand rupees] if the contravention is of clause (*i*) or (*ii*) of sub-section (*1*) and with fine which may extend to [3][one thousand rupees] if the contravention is of clause (*iii*) of that sub-section, and in the case of continuing contravention of the said clause (*i*) or (*ii*) with further fine of [4][five hundred rupees], and of the said clause (*iii*) with further fine of [5][one hundred rupees], for every day after the first during which such contravention continues.

268. Slaughter-houses, etc., beyond municipal area.— (*1*) It shall be lawful for a Council with the sanction of the Collector to establish municipal slaughter-houses or to licence private slaughter-houses beyond the limits of the municipal area and all provisions of this Act and of by-laws in force thereunder relating to such slaughter-houses within the municipal area, shall have full force in respect of slaughter-houses established or licensed under this section, as if they were within the municipal area.

(*2*) It shall be lawful for the Council to prohibit the import into the municipal area of meat except of animals slaughtered at a municipal slaughter-house or a slaughter-house licensed by the Council under sub-section (*1*).

(*3*) Nothing in sub-section (*2*) shall be deemed to apply to cured or preserved meat.

1 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 35(*2*). 2 These words were substituted for the words ―five hundred rupees‖ by Mah.1 of 2011, s. 36(*1*). 3 These words were substituted for the words ―one hundred rupees‖ by Mah. 1 of 2011, s. 36(*2*).

4 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 36(*3*).

5 These words were substituted for the words ―ten rupees‖ by Mah. 1 of 2011, s. 36(*4*).

269. Restriction on slaughter of animals for sale.— (*1*) No person shall, without written permission of the Chief Officer, slaughter or cause to be slaughtered any animal for sale or supply of meat in the municipal area except in a municipal slaughter-house or a licensed private slaughter-house.

(*2*) Any person who contravenes any provision of sub-section (*1*) shall, on conviction, be punished with fine which may extend to [1][one thousand rupees.]

(*3*) The Chief Officer may seize the carcass or meat of any animal slaughtered contrary to the provisions of sub-section (*1*) and may cause it to be sold, destroyed or disposed of in such other manner as he may think fit.

270. Provisions for requiring private market buildings and slaughterhouses to be properly paved and drained.—[2][The Chief Officer, subject to the control of the President,] may, by a written notice, require the owner, or the person in charge, of any private market or slaughter-house, to cause—

(*a*) the whole or any portion of the floor of the market place or slaughter-house to be raised or paved with dressed stone or other suitable material;

(*b*) such drains to be made in or from the market-building, marketplace or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Council may appear necessary;

(*c*) a supply of water to be provided for keeping such market-building, market-place or slaughter-house in a clean and wholesome state;

(*d*) any shop, stall, shed, standing or other structure, in any private market to be altered or improved, in such manner as the Council may consider necessary;

(*e*) any privy, water-closet or urinal or any other sanitary arrangement to be constructed or made at such site and in such manner as the Council may deem necessary and expedient; and

(*f*) any other measures to be taken which in its opinion are necessary in the interest of public health or sanitation.

271.Provisions regarding approaches and environ of private markets.— (*1*) The Council may—

(*a*) define or determine the limits of any private market or declare what portions of such market shall be made part of the existing approaches, streets, passages and ways to and in such market; and

(*b*) after hearing the owner or the person in charge of such market, by written notice, require such owner or person to—

(*i*) lay out, construct, alter, clear , widen, pave, drain and light, to the satisfaction of the Council such approaches, streets, passages and ways to or in such market;

(*ii*) provide such conveniences for the use of persons resorting to such market; and

(*iii*) provided adequate ventilation and lighting of the market building, or any portion thereof including shops and stalls,

as the Council may think fit.

(*2*) The Council may, by written notice, require such owner or occupier to maintain in proper order the approaches, streets, passages and ways to and in such market and such other conveniences as are provided for the use of persons resorting thereto.

272. Levy of stallages, rents and fees.— (*1*) The Council may—

(*a*) charge such stallages, rents or fees as may from time to time be fixed by it in this behalf—

1 These words were substituted for the words —one hundred rupees‖ by Mah. 1 of 2011, s. 37. 2 These words were substituted for the words —The Council‖ by Mah. 4 of 1974, s. 33.

(*i*) for the occupation or use of any stall, shop, stand, shed, pen or space in a municipal market or municipal slaughter-house;

(*ii*) for the right to expose articles for sale in a municipal market;

(*iii*) for the use of machines, weights, scales and measures provided for any municipal market; and

(*iv*) for the right to slaughter animals in any municipal slaughter-house and for the feeding and watering of such animals before they are ready for slaughter; or

(*b*) put up to public auction or dispose of by private sale, the privilege of occupying or using any stall, shop, stand, shed, pen or space in municipal market or municipal slaughter-house for such period and on such conditions as it may think fit.

(*2*) The Chief Officer shall issue to every person authorised to occupy or use any stall, shop, stand, shed, pen or space or to expose any articles for sale in a municipal market or to slaughter animals in a municipal slaughter-house, under sub-section (*1*), a licence granted in accordance with the provisions of the by-laws made in this behalf.

(*3*) Any person who, without a licence from the Chief Officer under sub-section (*2*), shall occupy any stall, shop, stand, shed, pen or space in a municipal market or sell or expose for sale any article in a

municipal market or use a municipal slaughter-house, shall, on conviction, be punished with fine which may extend to [1][five hundred rupees.]

(*4*) It shall be lawful for the Chief Officer or any officer in charge of a municipal market or a slaughter-house to expel from the market or slaughter-house any person—

(*i*) occupying any stall, shop, stand, shed, pen or space in such market or slaughter-house or exposing for sale therein any articles without a licence from the Council; or

(*ii*) using or attempting to use any municipal slaughter-house without a licence;

(*iii*) contravening any by-laws pertaining to such markets or slaughter-houses;

(*iv*) suffering from any infectious or contagious disease;

(*v*) creating disturbance in such market or slaughter-house.

273. Farming of markets and slaughter-house rents.— (*1*) It shall be lawful for the Council to lease by public auction or by inviting tenders or by private contract the collecting of any stallages, rents or fees which may be imposed under sub-section (*1*) of the last preceding section after obtaining adequate security from the lessee for the due fulfilment of the conditions of the lease.

(*2*) Any person to whom the right to collect stallages, rents or fees has been so leased shall have the power to expel from the market or slaughter-house any person occupying any stall, shop, stand, shed, pen or space or exposing any goods for sale in the market or using or attempting to use any such slaughter-house, without payment of the stallage, rent or fee.

(2) *Other occupations and trades*.

274. Control on preparation of food, eating houses, hotels, lodging houses, etc.— (*1*) No person shall use or permit to be used any premises in the municipal area—

(*a*) as an eating house, tea or coffee shop, restaurant, dining saloon, refreshment room or for a like purpose; or

(*b*) for the preparation or sale for the purposes of trade of any article of human food or drink; or

(*c*) as a hotel or a lodging house,

except under and in accordance with the conditions of a licence granted under the provisions of the by-laws made in this behalf.

1 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 38.

(*2*) The Chief Officer may enter and inspect any premises used for any of the purposes specified in sub-section (*1*) and may inspect any goods, vessels or implements or other articles used for such purposes and may by written notice require the owner or the person in charge of such premises to take such reasonable measures as may be specified in the notice for the cleanly conduct of such business or may require the use of the premises for such purpose to be discontinued.

(*3*) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (*1*), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section (*2*), shall, on conviction, be punished with fine which may extend to [1][five thousand rupees] and in the case of continuing offence with further fine which may extend to [2][five hundred rupees] for every day after the first during which such offence continues.

275. Control on dairies and business in milk, milk-products and sweet-meats.— (*1*) No person shall—

(*a*) carry on the trade or business of a dealer in, or importer or seller of, sweet-meats, milk, butter or other milk-products; or

(*b*) use or permit to be used for the purposes of trade, any premises for storing or selling milk or for making, storing or selling butter or other milk-products or sweet-meats,

except under and in accordance with conditions of a licence granted under the provisions of the by-laws made in this behalf.

(*2*) The Chief Officer may enter and inspect any premises used for any of the purposes specified in sub-section (*1*) and may inspect any goods, vessels or implements or other articles used for such purpose and may by written notice require the owner or the person in charge of such premises to take such reasonable measures as may be specified in the notice for the cleanly conduct of such business or may require the use of the premises for such purpose to be discontinued.

(*3*) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (*1*), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section (*2*), shall, or conviction, be punished with fine which may extend to [3][five thousand rupees] and in the case of continuing offence with further fine which may extend to [4][five hundred rupees] for every day after the first during which such offence continues.

276. Control of stables.— (*1*) No person shall use any premises in the municipal area—

(*a*) as a stable for milch cattle; or

(*b*) for the stallage or keeping of horses, camels, donkeys and animals other than milch cattle and animals intended for human food,

except under and in accordance with a licence granted under the provisions of the by-laws made in this behalf.

(*2*) The Chief Officer may enter and inspect any premises used for any of the purposes specified in sub-section (*1*) and may inspect any animals kept on such premises or any vessels or implements used on such premises and may by written notice require the owner or the person in charge of each premises to take such reasonable measures as may be specified in the notice for the proper ventilation, sanitation or drainage of such premises, or for the proper supply of water to the animals kept on such premises or may require the use of such premises for such purpose to be discontinued.

(*3*) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (*1*), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section (*2*), shall, on conviction, be punished with fine which may extend to [5][five thousand

1 These words were substituted for the words —five hundred rupees| by Mah. 1 of 2011, s. 39(*1*).

2 These words were substituted for the words —fifty rupees| by Mah. 1 of 2011, s. 39(*2*). 3 These words were substituted for the words —five hundred rupees| by Mah. 1 of 2011, s. 40(*1*).

4 These words were substituted for the words —fifty rupees| by Mah. 1 of 2011, s. 40(*2*). 5 These words were substituted for the words —five hundred rupees| by Mah. 1 of 2011, s. 41(*1*).

rupees] and in the case of continuing offence with further fine which may extend to [1][five hundred rupees] for every day after the first during which such offence continues.

277. No separate licence necessary if one is obtained under Prevention of Food Adulteration Act.— Notwithstanding anything contained in sections 274 and 275, no licence shall be required under the said sections for the use of any premises for any purpose or for carrying on any trade specified therein, in respect of which a licence has been obtained under the [2]Prevention of Food Adulteration Act, 1954 (XXXVII of 1954).

278. Factory, etc., not to be established without licence.— (*1*) No person shall, without a licence granted in accordance with the by-law made in this behalf, establish or materially alter, enlarge or extend or permit the establishment, material alteration, enlargement or extension of any factory, workshop or place of business in which it is intended to employ steam, electricity, water or other mechanical power:

[3][Provided that, no such licence under this sub-section shall be required, if such factory, workshop or place of business is situated in the area notified by the Maharashtra Industrial Development Corporation, within the jurisdiction of the Council.]

(*2*) The Council may after giving the applicant a reasonable opportunity of being heard and recording the reasons refused to grant a licence if it is of the opinion that the establishment, alteration, enlargement or extension of such factory, workshop or place of business would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance or danger to the inhabitants of the neighbourhood.

(*3*) Whoever establishes, alters, enlarges or extends or permits the establishment, material alteration, enlargement or extension of any such factory, workshop or place of business without a licence or in contravention of any conditions subject to which the licence may have been granted shall, on conviction, be punished with fine which may extend to [4][ten thousand rupees, and in the case of continuing offence with further fine which may extend to one thousand rupees for every day after the first during which such contravention continues.]

Explanation.— Nothing in this section or section 280 shall be deemed to affect any provision of the Indian Boilers Act, 1923 (V of 1923), or authorise any order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the Factories Act, 1948 (LXIII of 1948), are applicable.

279. Prohibition of use of steam whistles, etc.— (*1*) No person shall use or employ in any factory or any other premises any whistle or trumpet operated by steam or mechanical means for the purpose of summoning or dismissing workmen or persons employed, except under and in accordance with the conditions of a licence granted under the provisions of the by-laws made in this behalf.

(*2*) Whoever uses or employees any such whistle or trumpet as aforesaid in contravention of any provision of sub-section (*1*) shall, on conviction, be punished with fine which may extend to [5][five hundred rupees] and in the case of continuing offence with further fine which may extend to [6][fifty rupees] for every day after the first during which such offence continues.

280. Certain other trade and occupations not to be carried on without licence.— (*1*) No person shall use any premises in the municipal area for any of the purposes specified in Schedule VII except under and in accordance with the conditions of a licence granted under the provisions of the by-laws made in this behalf.

(*2*) The Chief Officer may enter and inspect any premises used for any of the purposes specified in sub-section (*1*) and may inspect any goods, vessels or implements or other articles used for such purpose and may by written notice require the owner or the person in charge of such premises to take

1 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 41(*2*). 2 Now *see* the Food Safety and Standards Act, 2006 (34 of 2006).

3 This proviso was added by Mah. 23 of 2016, s. 4.

4 These words were substituted for the words ―one thousand rupees‖ by Mah. 1 of 2011, s. 42.

5 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 43(*1*).

6 These words were substituted for the words ―five rupees‖ by Mah. 1 of 2011, s. 43(*2*).

such reasonable measures as may be specified in the notice for the prevention of any nuisance or danger therefrom or may require the use of the premises for such purpose to be discontinued.

(*3*) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (*1*), or whoever refuses to comply with any notice issued under sub-section (*2*) shall, on conviction, be punished with fine which may extend to [1][five thousand rupees] and in the case of continuing offence with further fine which may extend to [2][five hundred rupees] for every day after the first during which such offence continues.

281. Certain articles not to be kept without licence.— (*1*) No person shall keep or allow to be kept in or upon any premises any article specified in Schedule VIII, except under and in accordance with the conditions of a licence granted under the provisions of the by-laws made in this behalf.

(*2*) No person shall, except under and in accordance with the conditions of a licence granted under the provisions of the by-laws made in this behalf, keep or allow to be kept—

(*a*) any of the articles specified in Part I of Schedule IX in or upon any premises in quantities exceeding at any one time the respective maximum quantities specified opposite such articles; or

(*b*) any of the articles specified in Part II of the said Schedule in or upon any premises for sale or for purposes other than domestic use.

(*3*) Whoever keeps in or upon any premises any article in contravention of the provisions of sub-section (*1*) or (*2*), or in contravention of any conditions subject to which a licence may have been granted, shall, on conviction, be punished with fine which may extend to [3][two thousand rupees] and in the case of continuing offence with further fine which may extend to [4][two hundred rupees] for every day after the first during which such offence continues.

(*4*) The Chief Officer may at any time enter upon any premises and may seize any article kept in contravention of the provisions of sub-section (*1*) or (*2*) or in contravention of any conditions subject to which a licence may have been granted under sub-section (*1*) or sub-section (*2*).

CHAPTER XXI

CATTLE-POUNDS AND OTHER PROVISIONS RELATING TO ANIMALS

(1) *Cattle-pounds*.

282. Cattle-trespass Act to cease to apply to municipal areas.— The provisions of the Cattle-trespass Act, 1871 (I of 1871) (hereinafter in this section referred to as ―the said Act‖) shall cease to apply in relation to every municipal area to which this Act applies:

Provided that—

(*a*) nothing in this section shall affect the liability of any person to any penalty under the said Act so ceasing to be in force;

(*b*) any appointment, notification, order, rule made or issued or deemed to be made or issued under the said Act in respect of any cattle-pounds within the limits of any municipal area shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or issued under this Act, and continue in force until superseded by any appointment, notification, order or rule made under this Act;

(*c*) any cattle-pound in the local area established or deemed to be established under the said Act so ceasing to be in force shall be deemed to be vested in the Council within whose limits it is situated and shall be maintained and managed by the Council in accordance with the provisions in this Act.

1 These words were substituted for the words ―five hundred rupees‖ by Mah. 1 of 2011, s. 44(*1*).

2 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 44(*2*). 3 These words were substituted for the words ―two hundred rupees‖ by Mah. 1 of 2011, s. 45(*1*).

4 These words were substituted for the words ―twenty rupees‖ by Mah. 1 of 2011, s. 45(*2*).

283. Power to establish cattle-pounds and appoint pound-keepers.—(*1*) Notwithstanding anything contained in any law for the time being in force, every Council within the limits of its jurisdiction shall, from time to time, appoint such places as it thinks fit to be public pounds, and may appoint suitable person to be keepers of such pounds.

(*2*) Every pound-keeper so appointed, shall, in the performance of his duties, be subject to the direction and control of the Council.

284. Duties of pound-keepers.— (*1*) Every pound-keeper shall maintain such registers and prepare such returns as the State Government may from time to time by rules prescribe.

(*2*) When cattle are brought to a pound, the pound-keeper shall enter in his register—

(*a*) the number and description of the animals;

(*b*) the day and hour on and at which they were so brought;

(*c*) the name and residence of the seizer; and

(*d*) the name and residence of the owner, if known;

and shall give the seizer or his agent a copy of the entry.

(*3*) The pound-keeper shall take charge of, feed and water, the cattle until they are disposed of as hereinafter provided.

285. Impounding cattle.— (*1*) It shall be the duty of every police officer and it shall be lawful for any municipal officer or servant authorised by the Chief Officer in this behalf to seize and take to any public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the Municipal area.

(*2*) It shall be lawful for any person who is the owner or who is in charge of any private or public property to seize and take to any such public pound for confinement therein, any cattle trespassing upon such property or causing damage thereto.

(*3*) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to [1][five thousand rupees], or with both.

286. Delivery of cattle claimed.— If the owner of cattle which are impounded under the last preceding section or his agent appears and claims such cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 289.

287. Security in respect of impounded cattle.— (*1*) Every pound-keeper shall, before releasing any impounded cattle, require the owner of the impounded cattle or his agent to make, in the form prescribed by rules, a declaration regarding the ownership of such cattle and to deposit by way of security such sum as the State Government may, by rules, prescribe. Different scales may be prescribed for different areas or different classes of cattle.

(*2*) If any cattle belonging to such owner are impounded within a period of six months from the date on which the security is deposited, and if the seizure is not adjudges illegal, the amount of deposit or a part thereof, as may be prescribed by rules, shall stand forfeited to the Council. If cattle are not impounded as aforesaid, the amount of security deposit shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period.

288. Sale of cattle not claimed.— (*1*) If within ten days after any cattle has been impounded, no person appearing to be the owner of such cattle claims the cattle under section 286, such cattle shall be forthwith sold by auction.

1 These words were substituted for the words ―five hundred rupees‖ by Mah. 1 of 2011, s. 46.

(*2*) If within the period specified in sub-section (*1*), the owner or his agent claims the cattle but refuses or fails to pay the pound-fee and the expenses chargeable under the next succeeding section, the cattle or as many of them as may be necessary, shall be sold by auction:

Provided that, if the cattle is not sold at auction under sub-section (*1*) or (*2*) it shall be disposed of in such other manner as the State Government may by rules prescribe.

(*3*) The State Government may frame rules prescribing the manner in which auction under sub-section (*1*) or (*2*) may be held.

(*4*) The surplus remaining after deducting the pound-fee and expenses aforesaid from the proceeds of the sale, shall be paid to any person who within fifteen days after the sale, proves to the satisfaction of the Chief Officer, that he was the owner of such cattle and shall in any other case, form part of the municipal fund.

(*5*) No police officer, or Councillor or officer or servant of the Council, including the pound-keeper, shall, directly or indirectly purchase any cattle at a sale under sub-section (*1*) or (*2*).

289. Pound-fees and expenses chargeable to be fixed.— (*1*) The pound-fee chargeable shall be such as the State Government may, from time to time, by rules prescribe for each kind of cattle.

(*2*) The expenses chargeable shall be at such rates for each day during any part of which any cattle is impounded, as the Council may by by-laws fix.

290. Complaints of illegal seizure or detention.— (*1*) Any person whose cattle have been seized under this Chapter or having been so seized, have been detained in contravention thereof, may, at any time, within ten days from the date of the seizure, make a complaint to a Magistrate of the first class.

(*2*) The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. If the Magistrate on examining the complainant or his agent has reason to believe that the complaint is well founded, he shall summon the person complained against, and make an inquiry into the case.

(*3*) If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant in procuring the release of the cattle, and if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fees and expenses leviable under this Chapter, shall be paid by the person who made the seizure or detained the cattle.

(*4*) The compensation, fees and expenses mentioned in this section, may be recovered as if they were fines imposed by the Magistrate.

(2) *Other provisions relating to animals*.

291. Penalty for allowing cattle to stray in street or to trespass upon private or public property.— (*1*) Whoever, within a municipal area, allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished—

(*i*) for the first offence, with fine which may extend to [1][three thousand rupees;]

(*ii*) for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to [2][five thousand rupees] or with both.

(*2*) The Magistrate trying the offence under sub-section (*1*), may order,—

1 These words were substituted for the words ―three hundred rupees‖ by Mah. 1 of 2011, s. 47(*1*)(*a*). 2 These words were substituted for the words ―five hundred rupees‖ by Mah. 1 of 2011, s. 47(*1*)(*b*).

(*a*) that the accused shall pay such compensation not exceeding [1][two thousand and five hundred rupees] as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land; and also,

(*b*) that the cattle in respect of which an offence has been committed shall be forfeited to the State Government.

(*3*) Any compensation awarded under sub-section (*2*) may be recovered as if it were a fine imposed under this section.

(*4*) An offence under this section shall be cognizable.

292. Tethering cattle, etc.— Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street to place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall on conviction, be punished—

(*a*) for a first offence, with fine which may extend to [2][one thousand rupees;]

(*b*) for a second or subsequent offence, with fine which may extend to [3][two thousand and five hundred rupees.]

293. Provision as to dogs.— (*1*) A Council may by public notice require that every dog while in the street and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(*2*) When a notice under sub-section (*1*) has been issued, the Chief Officer may take possession of any dog found wandering unmuzzled in any public street or place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it, and has paid all the expenses of its detention or may, subject to the provisions of sub-sections (*3*) and (*4*), cause it to be sold or destroyed.

(*3*) When a dog which has been detained under sub-section (*2*) is wearing a collar with the owner's name and address thereon, or a number ticket or any other mark by which the owner of the dog can be identified, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address and the dog has remained unclaimed for three clear days.

(*4*) Any dog which is not claimed within the period specified in sub-section (*3*), or any dog the owner of which refuses to pay all the expenses of detention, may be sold or destroyed by the Chief Officer after having been detained for the period of three days specified in sub-section (*3*):

Provided that, any dog which is found to be rabid may be destroyed at any time.

(*5*) The Chief Officer may at any time destroy, or cause to be destroyed, or confine or cause to be confined, for such period as he may consider necessary, any dog or other animal suffering from rabies or reasonably suspected to be suffering from rabies or bitten by any dog or other animal suffering or suspected as aforesaid.

(*6*) All expenses incurred by the Chief Officer under this section may be recovered from the owner of any dog which has been taken possession of or detained in the same manner as an amount due on account of a property tax.

(*7*) No damages shall be payable in respect of any dog destroyed or otherwise disposed of under this section.

294.Provision as to keeping of pigs.— (*1*) If it shall appear to any Council at any time that nuisance or annoyance is caused to the public by keeping of pigs within the municipal area or any part thereof, the Council may direct by public notice that no person shall, without the written permission of

1 These words were substituted for the words —two hundred and fifty rupees‖ by Mah. 1 of 2011, s. 47(*2*).

2 These words were substituted for the words —one hundred rupees‖ by Mah. 1 of 2011, s. 48(*1*). 3 These words were substituted for the words —two hundred and fifty rupees‖ by Mah. 1 of 2011, s. 48(*2*).

the Chief Officer, or otherwise than in conformity with the terms of such permission, keep any pigs in the municipal area or any specified part thereof.

(*2*) Whoever after such direction keeps any pigs in any place within the municipal area of specified part thereof without the permission required as aforesaid, or otherwise than in accordance with the terms thereof, shall, on conviction, be punished with fine which may extend to [1][five hundred rupees.]

(*3*) Any pigs found straying may be forthwith destroyed and carcass thereof disposed of as the Chief Officer shall direct. No claim shall lie for compensation for any pigs so destroyed.

295. Feeding animals on filth prohibited.— (*1*) No person shall feed or cause or permit to be feed any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth or other offensive matter.

(*2*) Whoever contravenes any provision of sub-section (*1*) shall, on conviction, be punished with fine which may extend to [2][one thousand rupees.]

CHAPTER XXII

PROSECUTION,SUITSAND POWERSOF POLICE

296. Provision as respects institution, compounding, etc., of criminal actions.— (*1*) [3][Subject to the control of President, the Chief Officer may take or cause to be taken proceedings] against any person who is charged with—

(*a*) any offence against this Act or any rules or by-laws made thereunder;

(*b*) any offence which affects or is likely to affect any property or interest of the Council or the due administration of this Act; or

(*c*) committing any nuisance whatever:

Provided that, the Chief Officer shall not, [4][except with the sanction of the President,] direct a prosecution or order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections, namely :—

(*i*) sub-section (*7*) of section 176 read with sub-sections (*8*) and (*9*) of section 189;

(*ii*) sub-section (*6*) of section 183;

(*iii*) sub-section (*5*) of section 249.

(*2*) No prosecution for any offence under this Act or the rules or by-laws made thereunder, shall be instituted, except within six months next after the date of the commission of the offence, or if such date is not known or the offence is a continuing one within six months after the commission or discovery of such offence.

(*3*) Any prosecution under this Act or the rules or by-laws made thereunder may, save as therein otherwise provided, be instituted before any Magistrate; and every fine or penalty imposed under or by virtue of this Act or any rule or by-law, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to any Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

(*4*) Notwithstanding anything contained in section 248 of the [5]Code of Criminal Procedure, 1898 (V of 1898), no Magistrate shall permit withdrawal of a complaint under that section in respect of an

1 These words were substituted for the words ―fifty rupees‖ by Mah. 1 of 2011, s. 49.

2 These words were substituted for the words ―one hundred rupees‖by Mah. 1 of 2011, s. 50.

3 These words were substituted for the words ―Subject to the general control of the Council, the Chief Officer may take proceedings‖ by Mah. 4 of 1974, s. 34(*a*)(*i*).

4 These words were substituted for the words ―except with the previous approval of the Council,‖ by Mah. 4 of 1974, s. 34(*a*)(*ii*).

5 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

offence punishable under this Act or the rules and by-laws made thereunder, unless the Magistrate is satisfied that although the complaint was made in good faith it was based on incorrect facts or insufficient information.

(*5*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), all offences punishable under this Act or the rules or by-laws made thereunder may be compounded by [1][the President], but only with the permission of the Court before which any prosecution for such offence is pending, or when the accused has been committed for trial or when he has been convicted and an appeal is pending, with the leave of the Court to which he is committed, or, as the case may be, before which the appeal is to be heard.

(*6*) [2][The President], shall before compounding any offence under the last preceding sub-section obtain the approval of the Standing Committee, and the Standing Committee shall not accord its approval unless the accused pays by way of composition of the offence such sum as may be determined by it. [3][Such sum shall not be less than one-half of the maximum amount of fine prescribed for the offence and if the fine prescribed therefor is unlimited it shall not be less than [4][five thousand rupees].

(*7*) The composition of an offence under this section shall have the effect of an acquittal of the accused with which the offence has been compounded.

(*8*) The expenses of all prosecutions or proceedings shall be paid out of the municipal fund.

297. Distress lawful though defective in form.— No distress levied or attachment made by virtue of this Act shall be deemed unlawful nor shall any party making the same be deemed at trespasser, on account of any defect or want of

form in any summons, conviction or warrant of distress or attachment or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

298. Damage to municipal property how made good.— If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of a Council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted; and on non-payment of such damage on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

299. General penalty.— Whoever—

(*a*) does or omits to do any act in contravention of any provisions of this Act, or the rules or by-laws made thereunder; or

(*b*) disobeys or fails to comply with any lawful direction given by any written notice or order issued by or on behalf of a Council under any power conferred by or under this Act; or

(*c*) fails to comply with the conditions subject to which any permission or licence was given to him by or on behalf of a Council under any power conferred by or under this Act; or

(*d*) when lawfully called upon by the Chief Officer or any officer duly authorised to supply an information in his possession which may be required for the purpose of this Act or of any rules or by-laws made thereunder, fails to supply such information or wilfully supplies false information,

shall, if no other penalty is provided for the offence, on conviction, be punished with fine which may extend to [5][one thousand rupees], and in the case of continuing offence with further fine which

1 These words were substituted for the words —the Chief Officer‖ by Mah. 4 of 1974, s. 34(*b*).

2 These words were substituted for the words —The Chief Officer‖ by Mah. 4 of 1974, s. 34(*c*)(*i*).

3 These words were substituted for the portion beginning with —Such sum shall not be‖ and ending with the words —twenty-five rupees‖ by Mah. 18 of 1993, s. 28.

4 These words were substituted for the words —five hundred rupees‖ by Mah. 1 of 2011, s. 51.

5 These words were substituted for the words —one hundred rupees‖ by Mah. 1 of 2011, s. 52(*1*).

may extend to [1][one hundred rupees] for every day after the first during which such contravention continues:

Provided that, when a notice or order fixes a time within which a certain act is to be done, and no time is specified by or under this Act, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time.

300. Minimum penalty for offences under this Act.— In every case in which a person is convicted for an offence punishable by or under this Act and the Court considers that he should be sentenced with fine only, then in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the fine to be imposed on him shall not be less than one-fourth of the maximum amount of fine prescribed for that offence, and if the fine prescribed for that offence is unlimited, shall not be less than [2][two thousand and five hundred rupees.]

[3]**[300A.Offences under section 189 to be cognizable and bailable.—** The offences under sub-sections (*9*) and (*13*) of section 189 shall be cognizable and bailable.]

301. Power to institute, defend suits, etc.— (*1*) Subject to the general control of the Council, the Chief Officer may—

(*a*) institute and prosecute any suit or other proceeding for any claim or demand on behalf of the Council or for any injury to any property, rights or privileges of the Council;

(*b*) withdraw from or compromise or compound any suit or any claim or demand which has been instituted or made on behalf of the Council;

(*c*) institute, withdraw from or compromise or compound any suit or proceeding for the recovery of expenses or compensation claimed to be due to the Council;

(*d*) defend, admit or compromise or compound any appeal against a rateable value [4][or a capital value, as the case may be,] or tax;

(*e*) defend any suit or other legal proceedings brought against the Council or any municipal officer or servant in respect of anything done or omitted to be done by them, respectively, in their official capacity;

(*f*) admit or compromise any claim, suit or legal proceeding brought against the Council or any municipal officer or servant, in respect of anything done or omitted to be done as aforesaid:

Provided that—

(*i*) if any sanction in the making of any contract is required by this Act, the like sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract;

(*ii*) if any such suit is in respect of land leased or sold under sub-section (*3*) of section 173, or in respect of any immoveable property sold or leased for a term exceeding three years or otherwise transferred, it shall not be lawful for the Council to compound or compromise in respect of the suit except with the previous sanction of the Director.

(*2*) A Council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its committees, officers or servants under this Act.

(*3*) The expenses of any civil proceedings prosecuted or defended on behalf of the Council shall be payable from the municipal fund.

1 These words were substituted for the words ―ten rupees‖by Mah. 1 of 2011, s. 52(*2*).

2 These words were substituted for the words ―two hundred and fifty rupees‖by Mah. 1 of 2011, s. 53. 3 Section 300A was inserted by Mah. 2 of 2012, s. 27.

4 These words were inserted by Mah. 10 of 2010, s. 108.

[1]**[301A. Bar of jurisdiction.—** Save as otherwise provided in this Act, any notice issued, order passed or direction issued under sub-section (*8*) of section 189 by the Chief Officer or, as the case may be, the officer nominated under sub-section (*13*) of section 189, shall not be questioned in any suit or other legal proceedings.]

302. Councillors, officers, servants, etc., to be public servants.—[2][*1*] Every Councillor and every officer or servant of a Council, every contractor or agent appointed by it for the collection of any tax and every person employed by such contractor or agent for the collection of such tax, shall be deemed to a public servant within the meaning of section 21 (XLV of 1860) of the India Penal Code.

[3][(*2*) Every Councillor shall be deemed to be a public servant within the meaning of clause (*c*) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988).]

[4]**[302A. Power of State Government to accord previous sanction.—** Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 (2 of 1974) and section 19 of the Prevention of Corruption Act, 1988 (49 of 1988), in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.]

303. Bar of suits against Council, its officers, servants, etc., for acts done in good faith.— No suit shall lie in respect of anything in good faith done or intended to be done under this Act, against [5][the Collector, the Director, the Regional Director or any other officer of the State Government or] any Council or against any committee constituted under this Act, or against any officer or servant of a Council or

against any person acting under and in accordance with the directions of any such Council, committee, officer or servant or of a Magistrate.

304. Limitation of suits against Council, its committees, officers and servants, for acts done in pursuance or execution of this Act.— (*1*) No suit shall lie against a Council or against any committee constituted under this Act, or against any officer or servant of a Council in respect of any act done in pursuance or executing or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act—

(*a*) unless it is commenced within six months next after the accrual of the cause of action; and

(*b*) until the expiration of one month after notice in writing has been, in the case of a Council or its committee, delivered or left at the municipal office and, in the case of an officer or servant of a Council delivered to him or left at his office or place of above; and all such notices shall state with reasonable particularity, the causes of action and the name and place of abode of the intending plaintiff and of his advocate, pleader or agent, if any, for the purpose of the suit.

(*2*) At the trial of any such suit,—

(*a*) the plaintiff shall not be permitted to adduce evidence relating to any cause of action save such as is set forth in the notice delivered or left by him as aforesaid;

(*b*) if the suit be for damages and if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

(*3*) If the defendant in any such suit is an officer or servant of a Council, payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the Council, be made from the municipal fund.

(*4*) Nothing in clauses (*a*) and (*b*) of sub-section (*1*) shall apply to any suit under section 38 of the Specific Relief Act, 1963 (XLVII of 1963) or under sub-section (*1*) or (*2*) of section 96 of this Act.

1 Section 301A was inserted by Mah. 2 of 2012, s. 28.

2 Section 302 was renumbered as sub-section (*1*) of that section and sub-section (*2*) was added by Mah. 34 of 2014, s. 8. 3 Section 302 was renumbered as sub-section (*1*) of that section and sub-section (*2*) was added by Mah. 34 of 2014, s. 8. 4 Section 302A was inserted by Mah. 34 of 2014, s. 9.

5 These words were inserted by Mah. 2 of 2002, s. 51.

305. Powers of police officers.— (*1*) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Act or of any rule or of any by-law made thereunder, if the name and address of such person is unknown to him, and if such person declines to give his name and address or if the police officer has reason to doubt the accuracy of such name and address if given; and such person may be detained at the station house until his name and address have been correctly ascertained:

Provided that, no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for producing him before a Magistrate, or than twenty-four hours of his arrest, whichever is longer.

(*2*) It shall also be the duty of all police officers to give immediate information to the Council of the commission of any offence against the provisions of this Act or of any rule or by-law made thereunder and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XXIII

CONTROL

306. Powers of inspection and supervision.— The Director, the Collector, or any officer of the Government authorised by the State Government, the Director or the Collector shall severally have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected any immoveable property occupied by or movable property belonging to any Council or any institution under its control or management or any work in progress under it or under its direction;

(*b*) to call for or inspect any extract from any Council's or its committee's proceeding and any book or document in the possession of or under the control of the Council or any of its committees.

307. Power to call for returns and reports.— The Director or the Collector shall have power—

(*a*) to call for any return, statement, account or report which he may think fit to require any Council to furnish;

(*b*) to require the Council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such Council or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

308. Power to suspend execution of orders and resolution of Council on certain grounds.— [1][(*1*) If the Council or any Committee resolves contrary to provisions of this Act or any other law, or rules, bye-laws, or the Government directions, then it shall be the responsibility of the Chief Officer to send it to the Collector for suspension of execution of such a resolution or prohibition of doing thereof, within the period of three days from the receipt of the said resolution. The Collector shall decide on such proposal within the period of thirty days from the date of receipt of such proposal. If it remains undecided within the said period, then the Collector shall submit the report thereof to the Director within ten days and the decision of the Director thereon shall be final. In such case, appeal against the order of the Director shall lie to the State Government.]

(*2*) When the Collector makes any order under his signature, he shall forward to the Council affected thereby a copy of the order, indicating therein the reasons for making it and also submit a report to the Director, along with a copy of such order.

(*3*) Within [2][thirty days] from the receipt of such order of the Collector, the Council shall, if it so desires, forward a statement to the Director indicating therein why the order of the Collector should be

1 Sub-section (*1*) was substituted by Mah. 25 of 2018, s. 15.

2 These words were substituted for the words ―twenty days‖ by Mah. 18 of 1993, s. 29(*a*).

rescinded, revised or modified. If no such statement is received by the Director within time, the Director shall presume that the Council has no objection if the order of the Collector is confirmed.

(*4*) On receipt of such report from the Collector and the Council's statement referred to in sub-section (*3*), if any, the Director may [1][within a period of six months, from the receipt of such report or within such period beyond six months as may, on the request of the Director, be extended by the state Government,] rescind the order or may revise or modify or confirm the order or direct that the order shall continue to be in force with or without modifications:

Provided that, the Director shall take into account the statement of Council, if received, before such an order is made by him.

309. Extraordinary powers of execution of certain works in case of emergency.— (*1*) In case of emergency, the Collector may provide for the execution of any work, or the doing of any act, which may be executed or done by or on behalf of a Council and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public; and may direct that the reasonable remuneration to the person appointed to execute or to do it, shall forthwith be paid by the Council.

(*2*) If the expense and remuneration are not so paid, the Collector may make on order directing any person, who for the time being has custody of any moneys on behalf of the Council as its officer, treasurer, banker or otherwise, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order. Every payment

made pursuant to such order shall be a sufficient discharge to such person from all liability to the Council in respect of any sum or sums so paid by him out of the moneys of the Council held or received by him.

(*3*) The provisions of sub-sections (*2*), (*3*) and (*4*) of the last preceding section shall apply so far as may be, to any order made under this section.

310. Power of Director to prevent extravagance in the employment of establishment.— If in the opinion of the Director the number of persons who are employed by a Council as officers or servants, or whom a Council proposes to employ or the remuneration assigned by the Council to those persons or to any particular person is excessive, the Council shall, on the requirement of the Director, reduce the number of the said persons or the remuneration of the said person or persons:

Provided that, the Council may appeal against any such requirement to the State Government, whose decision shall be conclusive.

311. Inquiry into municipal matters by State Government.— (*1*) The State Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any Council or any matters with respect to which sanction, approval or consent of the State Government is required under this Act.

(*2*) The officer holding such inquiry shall for the purpose thereof have the powers which are vested in a Court under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses, and requiring the deposits of their expenses,

(*c*) compelling the production of documents,

(*d*) examination of witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence on affidavit, and

(*g*) issuing commissions for the examination of witnesses,

1 These words were inserted by Mah. 18 of 1993, s. 29(*b*).

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the 1Code of Criminal Procedure, 1898 (V of 1898).

Explanation.— For the purpose of enforcing the attendance of witnesses the local limits of such officer‘s jurisdiction shall be the limits of the State.

(*3*) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(*4*) Costs shall be in the discretion of the State Government and the State Government shall have full power to determine by and to whom and to what extent such costs are to be paid and such costs shall be recoverable as an arrear of land revenue.

312.Power of Director to enforce performance of duties.— (*1*) When the Director is informed, on a complaint made or otherwise that default has been made in the performance of any duty imposed on a Council by or under this Act or by or under any enactment for the time being in force, the Director, if satisfied after due inquiry, that the alleged default has been made, may by order fix a period for the performance of that duty and communicate such order to the Council.

(*2*) If the duty is not performed within the period so fixed the Director may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Council.

(*3*) If the expense and remuneration are not so paid, the Director may make an order directing the bank in which any moneys of the Council are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the Council are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the Council in such bank or may be in the hands of such person or as may, from time to time, be received from or on behalf of the Council by way of deposit by such bank or person, and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the Council in respect of any sum or sums so paid by it or him out of the moneys of the Council so deposited with such bank or person.

[2]**[312A.Power of State Government to issue instructions or direction.—** Notwithstanding anything contained in this Act, the State Government may issue to the Council general instructions as to matters of policy to be followed by the Council in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Council to give effect to such instructions or directions:

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Council to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.]

313.[3]**[Power to dissolve a Council].—** (*1*) If, in the opinion of the State Government,—

(*a*) a Council is not competent to perform duties imposed upon it by or under this Act or any other law for the time being in force, or

(*b*) persistently makes default in the performance of such duties, or in complying with the lawful directions and orders issued by the Collector, the Director, the State Government or any other authority empowered under law to issue such directions or orders to a Council, or

1 *See* now the Code of Criminal Procedure, 1973 (2 of 1974). 2 Section 312A was inserted by Mah. 9 of 2011, s. 9.

3 This marginal note was substituted by Mah. 41 of 1994, s. 153(*c*).

[1][(*bb*) a Council has made a default in the performance of its duty under clause (*s-1a*) of sub-section (*2*) of section 49, or]

(*c*) exceeds or abuses its powers, or

(*d*) a situation has arisen in which the administration of the Council cannot be carried out in accordance with the provisions of this Act, or

(*e*) the financial position and the credit of the Council is seriously threatened, [2][the State Government may, after giving the Council a reasonable opportunity of being heard by an order published in the *Official Gazette*, stating the reasons therefor, dissolve the Council.]

[3][(*2*) If more than half the total number of seats in a Council have become vacant, the State Government may, by order in the *Official Gazette*, dissolve such Council:

Provided that, before dissolving any such Council, a reasonable opportunity of being heard shall be given to such Council.]

314. [4][* * * *]

315. [5][* * * *]

[6]**[316.Consequences of dissolution.—** When the Council is dissolved under [7][* *] section 313 or under the proviso to article 243-ZF of the Constitution of India, the following consequences shall ensue, namely :—

(*a*) all Councillors of the Council shall, as from the date [8][specified in the order of dissolution, or from the date] on which the Council stands dissolved under the proviso to article 243-ZF, vacate their offices as such Councillors;

(*b*) all the powers and functions vesting in or exercisable by the Council, the President, the Vice-President, the various committees, the Councillors and the Chief Officer under this Act or any other law for the time being in force shall vest in and be exercisable by such Government Officer or Officers as the State Government from time to time appoints in this behalf and such Officer or Officers shall receive such remuneration from the municipal fund as the State Government may, from time to time, determine;

(*c*) the Chief Officer shall be subordinate to such Officer or Officers appointed under clause (*b*), who shall determine which powers and duties of a Chief Officer may be exercised and performed by the Chief Officer of such Council;

(*d*) all property vested in the Council shall, during the period of dissolution, vest in the State Government.]

[9]**[317.Re-constitution of Council after dissolution.—**[10][(*1*)] When a Council is dissolved under section 313, general elections shall be held to constitute the Council on such date as may be specified by the State Election Commissioner:

Provided that, an election to constitute the Council shall be completed before the expiration of a period of six months from the date of dissolution of the Council.]

1 Clause (*bb*) was inserted by Mah. 67 of 1981, s. 4.

2 This portion was substituted for the portion beginning with the words ―the Government may‖ and ending with the words ―from time to time determine‖ by Mah. 41 of 1994, s. 153(*a*).

3 Sub-section (*2*) was added by Mah. 11 of 1996, s. 14.

4 Section 314 was deleted by Mah. 41 of 1994, s. 154.

5 Section 315 was deleted by Mah. 41 of 1994, s. 155.

6 Section 316 was substituted by Mah. 41 of 1994, s. 156.

7 The words, brackets and figure ―sub-section (*1*) of‖ were deleted by Mah. 15 of 2012, s. 20.

8 These words were inserted by Mah. 5 of 1995, s. 11.

9 Section 317 was substituted by Mah. 41 of 1994, s. 157.

10 Existing section was renumbered as sub-section (*1*) by Mah. 1 of 2021, s. 3(*i*).

[1][(*2*) Notwithstanding anything contained in this section, where the State Election Commission has bought to the notice of the State Government that it is not possible for the State Election Commission to conduct the general elections to the Municipal Council due to outbreak of COVID-19 pandemic in the State, then the State Government may, by order, appoint a Government officer or officers, or extend the period of any officer appointed under sub-section (*1*), for such period as may be requested by the State Election Commission, which shall not extend beyond the 30th April 2021, to exercise all the powers and to perform all the functions and duties of the Municipal Council under this Act.]

318.Revisional powers of State Government.— The State Government may, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by, or as to the regularity of the proceedings of, any Council or of any officer subordinate to such Council or the State Government, acting in exercise of any power conferred on it or him by or under this Act, call for and examine the record of any case pending before or disposed of by such Council or officer and may pass such order in reference thereto as it thinks fit:

Provided that, no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard:

Provided further that, no such order shall be passed in any case in which an appeal is provided and has been preferred or has been decided:

Provided also that, no such record shall be called by the State Government after one year from the date of passing of the order by the Council or the officer concerned.

319.State Government's powers to enforce its orders.— In all matters connected with this Act, if a Council makes default in carrying out any order made by the State Government or by any authority other than the Council in exercise of any of the powers conferred on it by this Act or any rule or by-law made thereunder, the State Government shall have all the powers necessary for the enforcement of such order at the cost of the Council.

320. Powers of review.—The State Government may, either on its own motion or on the application of any party interested, review any order passed by itself or any sanction or approval given under this Act, and the Director or the Collector may, similarly, review an order passed by himself or any sanction or approval given by him under this Act, and pass such order in reference thereto as it or he thinks fit:

Provided that,—

(*i*) no order shall be varied or reversed or no sanction or approval reviewed unless notice has been given to the parties interested to appear and be heard;

(*ii*) no order from which an appeal has been made, or which is the subject of any revision proceedings, shall so long as such appeal or proceedings are pending, be reviewed;

(*iii*) no order affecting any question of right between private persons shall be reviewed, except on the application of a party to the proceedings and no application for the review of such order shall be entertained unless it is made within ninety days from the passing of the order.

CHAPTER XXIV

RULES AND BY-LAWS

321.Power of Government to make rules.— (*1*) The power to make all rules under this Act shall be exercisable by the State Government by notification in the *Official Gazette*.

(*2*) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act generally to carry out the purposes of this Act:

1 This sub-section was added by Mah. 1 of 2021, s. 3(*ii*).

1[Provided that no rules in respect of any matter relating to the preparation of electoral rolls and conduct of election shall be made without consultation with the State Election Commissioner.]

2[Provided further that, if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the requirement of previous publication of the rules to be made under this section, for the purposes of conduct of election, under this Act.]

(*3*) All rules made under this Act shall be subject to the condition of previous publication.

(*4*) Every rule made under this Act, shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

322.Power of Council to make by-laws.— (*1*) The power to make all by-laws under this Act shall be exercisable by each Council, subject to the previous sanction of the Collector or the State Government as hereinafter provided.

(*2*) Without prejudice to any power to make by-laws contained elsewhere in this Act, a Council may make by-laws consistent with this Act and the rules made thereunder for the administration of its affairs and for the guidance of its Committees, officers and servants.

(*3*) (*a*) The Council, whenever it desires to make by-laws under this Act, shall by a resolution at a special meeting approve a draft of such by-laws.

3[(*b*) After any such resolution is passed, the Council shall display the draft of the bye-laws on its notice board and publish a notice in a local newspaper informing the inhabitants of the municipal area about the subject matter of the draft bye-laws so displayed and inviting their objections and suggestions in respect of the said draft within a reasonable period to be specified in such notice.]

(*c*) The Council at a special meeting shall then consider the objections and suggestions received, if any, and shall by a resolution approve the final draft of the by-laws.

(*d*) Within seven days of the passing of such resolution, the Council shall send such final draft to the Collector.

(*e*) The Collector shall examine the final draft of the by-laws sent to him under clause (*d*) and may—

(*i*) refuse to sanction them or return them to the Council if in his opinion,—

(A) the by-laws are inconsistent with this Act or the rules made thereunder and the inconsistency cannot be removed except by materially altering the by-laws; or

(B) objection if any, to the by-laws has not been duly considered by the Council; or

(C) there is any new objection to the by-laws; or

(D) the rates of taxes or fees proposed in the by-laws are inadequate; or

(*ii*) sanction them, with or without such modifications as he considers necessary.

1 This proviso was added by Mah. 41 of 1994, s. 158.

2 This proviso was added by Mah. 8 of 2002, s. 20.

3 Clause (*b*) was substituted by Mah. 45 of 1975, s. 14.

The Collector shall publish the by-laws as sanctioned by him in the *Official Gazette*, and the by-laws so published shall take effect from the date of their publication in the *Official Gazette* or such other subsequent date as may be mentioned therein;

(*f*) Notwithstanding anything contained in clause (*e*), if the by-laws sent by any Council under clause (*d*) relate to imposition, abolition, remission, alteration or regulation of any tax, the Collector shall forward them to the State Government for sanction and thereupon the provisions of clause (*e*) shall apply as if for the word ―Collector‖ in the said clause the words ―State Government‖ had been substituted.

(*4*) If it appears to the State Government that an amendment of any of the by-laws of a Council is necessary or desirable in the interests of the general public or because they are inconsistent with any provisions of this Act or the rules made thereunder, the State Government may, after consulting the Council, by notification in the *Official Gazette*, amend or cancel any of the by-laws, and on the issue of such notification the by-laws shall be deemed to have been duly amended or cancelled, as the case may be, accordingly, without prejudice to the validity of anything previously done or omitted to be done.

323.Power to make and enforce acceptance of model by-law.— (*1*) The State Government may make model by-laws on all or any of the matters in respect of which a Council is empowered to make by-laws and publish them in *Official Gazette*, for the guidance of the Councils.

(*2*) If a Council has already made by-laws on a matter for which model by-laws are made by the State Government, the Council may adopt the model by-laws with such minimum changes as the peculiar local circumstances may warrant.

(*3*) If at any time it appears to the Director that the by-laws made by a Council on any matters are inadequate to regulate such matters, and model by-laws have been made by the State Government for such

matters, the Director may by an order in this behalf require the Council to adopt such model by-laws modified to suit local conditions.

(*4*) The Council shall comply with the orders of the Director under sub-section (*3*) above within two months of the date of such order.

(*5*) If the Council fails to comply with the orders of the Director, the Director may, by notification in the *Official Gazette*, apply such model by-laws with such modification to suit local conditions as he thinks necessary to that Council in supersession of any by-laws which the Council may have made already on those matters. In that event, the model by-laws so applied shall be deemed to have been duly made by the Council.

(*6*) If the model by-laws made by the State Government relate to the imposition, abolition, remission, alteration or regulation of any tax, the provisions of sub-sections (*3*), (*4*) and (*5*) shall apply as if for the word ―Director‖ therein the words ―State Government‖ had been substituted.

324.Copies of Act, rules and by-laws to be made available at Council's office for public inspection and for sale.— Every Council shall keep at its head office copies of this Act and of the rules and by-laws made thereunder and in force in the municipal area, in English, and in Marathi, open to inspection to the inhabitants of that area, free of charge, during office hours. The Council may also arrange for the sale of copies of these books.

CHAPTER XXV

SERVICE OF NOTICES,EXECUTION OF WORKS ON DEFAULT AND COMPENSATION

325.Service of notices, etc., addressed to individuals.— (*1*) When any notice is required by or under this Act to be served upon, issued or presented to, any person, such service, issue or presentation shall, in all cases not otherwise provided for in this Act, be effected—

(*a*) by giving or tendering the notice to the person to whom it is addressed; or

(*b*) if such person is not found, by giving or tendering it to some adult member or servant of his family found at his usual place of residence or at his last known place of abode;

(*c*) if none of the means aforesaid be available, or if the person to whom such notice is given or tendered refuses to accept it then by causing the notice to be affixed on some conspicuous part of the building or land, if any, to which the notice relates.

(*2*) When any notice under this Act is required or permitted by or under this Act to be served upon, issued or presented to, an owner or occupier of any building or land,—

(*i*) it shall not be necessary to name the owner or occupier in such notice,

(*ii*) if there be more owners or occupiers than one, such notice may be served upon or issued or presented to any one of them.

(*3*) Whenever it is provided by or under this Act, that any notice may be served upon, issued or presented to, the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be served upon, issued or presented to, the one of them primarily liable to comply with such notice, and in case of doubt, to both of them:

Provided that, in any such case, if there is no owner resident within the municipal area, the delivery of such notice to the occupier shall be sufficient.

(*4*) The provisions of sub-sections (*1*), (*2*) and (*3*) shall *mutatis mutandis* apply to any bill, requisition, order or summons or such other document to be served, issued or presented by or under this Act.

(*5*) Notwithstanding anything contained in sub-section (*1*), in the case of ‗A' or ‗B' Class Councils, a bill for any municipal tax may be served upon the person liable therefor by sending it by post with a pre-paid letter under a certificate of posting, addressed to such person at his last known place of abode or place

of business in the municipal area, and every bill so sent shall be deemed to have been served on the day following the day on which such letter was posted, and, in proving such service, it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

326.Publication of public and general notices.— (*1*) Every general or public notice which by or under this Act, a Council or any municipal authority or officer is required or empowered to publish shall, in addition to any other procedure for its publication laid down by or under this Act, be published by putting up such notice on the municipal notice board.

(*2*) Such a general or public notice may also be published in addition in any of the following manners :—

(*a*) by putting up such notice at such prominent places within the municipal area or if such notice pertains to any locality in the municipal area only then such prominent places within that locality as the Council may from time to time select;

(*b*) by publishing such notice in such newspapers circulating within the municipal area as the Council may from time to time approve;

[1][(*b-i*) by any other mode, including electronic media as the Chief Officer may think fit; or]

(*c*) by beat of drum or any other customary mode of publicity within the municipal area.

(*3*) If, by or under this Act, the notice is required to be published in the manner specified in clause (*b*) of sub-section (*2*), and if in the opinion of the authority publishing such notice it is not practicable to publish the full text of the notice having regard to the cost of such publication, it shall be deemed to be sufficient compliance with clause (*b*) of sub-section (*2*) if such notice is placed on the municipal notice board and if a gist of such notice is published in newspapers approved under clause (*b*) of sub-section (*2*), together with an announcement that the full text of the notice has been placed on the municipal notice board.

(*4*) The provisions of this section shall apply to any proclamation, order or other instrument which the Council or any municipal authority or officer is required or empowered to publish for general information of the residents of the municipal area.

1 Clause (*b-i*) was inserted by Mah. 10 of 2010, s. 109.

327.Reasonable time to be fixed when no time fixed under the Act for any requisition.—Where any notice, order or requisition under this Act requires any act to be done for which no time is fixed by or under this Act, such requisition shall fix a reasonable time for doing the same.

328.Council in default of owner or occupier may execute works and recover expenses.—(*1*) Where by or under this Act, any person is required to execute any work or do anything and default is made in the execution of such work or the doing of such thing, the Council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to the Council by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of a property tax, either in one sum or by instalments, as the Council may deem fit:

Provided that—

(*a*) except as otherwise provided by or under this Act, a notice shall be issued to such person requiring him to execute such work or to do such thing;

(*b*) where any drainage scheme or water works scheme has been commenced by any Council, it shall be lawful for the Council, without prejudice to its powers under section 202 or any other provision of this Act, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the Council shall render; and any payment agreed upon by the owner

shall be recovered in accordance with the terms of such agreement or in default, in the manner described in sub-sections (*2*) and (*3*);

(*c*) where an order or requisition has been passed under sub-section (*1*) of section 175, section 183, sub-section (*4*) or (*12*) of section 189, or under section 200, 202, 207 or 208 or where permission has been given under section 204 or where an arrangement has been made under proviso (*b*) of this sub-section, the Council may, without prejudice to any other powers under this Act, if it thinks fit, declare any expenses incurred by the Council in the execution of such order or in the carrying out of such requisition, permission or arrangement to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the Council may decide, including interest at the rate of seven and a half per cent. per annum, and shall be recoverable in the manner described in sub-sections (*2*) and (*3*).

(*2*) If the defaulter be the owner of any building or land in respect of which he is required to execute any work or do anything, the Council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (*3*), the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any property tax; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(*3*) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, then the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable, at the time of the demand made upon him, or which at any time after such demand and notice not to pay rent to the land-lord has accrued and become payable by such occupier, unless he neglects or refuses, upon application made to him for that purpose by the Council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Provided that, nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of any such expenses as aforesaid.

329.Proceedings, if any occupier opposes the execution of the Act.— If the occupier of any building or land prevents the owner thereof from carrying into effect in respect of such building or

land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Executive Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order such occupier continues to refuse to permit such owner to execute any such work, such occupier shall, on conviction, for every day during which he so continues to refuse, be punished with fine which may extend to fifty rupees and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

330.Determination of damages, compensation, etc.— (*1*) Save as otherwise expressly provided in this Act, if an agreement is not arrived at with respect to any compensation or damages which are by this Act, directed to be paid, the amount and if necessary the apportionment of the same, shall be ascertained and determined by the Council.

(*2*) Any person who is aggrieved by the amount of compensation or damages determined by the Council or the apportionment of such compensation or damages, may, within, one month from the date of receipt by him of an intimation about the compensation or damages or the apportionment thereof determined by the Council, appeal to the District Court against the determination made by the Council.

(*3*) Any person who is aggrieved by the failure of the Council to determine the amount of compensation or damages or the apportionment thereof, may give to the Council a notice stating the circumstances of the case and requesting the Council to determine the amount of compensation or damages or the apportionment thereof. If the Council fails so to determine the amount of compensation or damages or the apportionment thereof within a period of one month from the receipt by it of the notice aforesaid, such person may apply to the District Court to determine the amount of compensation or damages or the apportionment thereof.

(*4*) In cases in which the compensation is claimed in respect of land, the District Court in deciding any appeal or application under sub-section (*2*) or (*3*) shall follow, as far as may be, the procedure provided by the Land Acquisition Act, 1894 (1 of 1894), for proceedings in matters referred for the determination of the Court:

Provided that—

(*a*) no application to the Collector for a reference shall be necessary; and

(*b*) the Court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

(*5*) In any case where the compensation is claimed in respect of any land or building, the Council may after the award has been made by the Council or the District Court, as the case may be, take possession of the land or building, after paying the amount of compensation determined by the Council or the District Court to the party to whom such compensation may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the Council shall deposit the amount of the compensation in the District Court.

331.Costs or expenses how determined and recovered.— If a dispute arises with respect to any costs or expenses which are by this Act, directed to be paid, the amount and, if necessary, the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Council and shall be recoverable in the same manner as an amount claimed on account of a property tax.

CHAPTER XXVI

MISCELLANEOUS

332.Informalities and error in assessment, etc., not to be deemed to invalidate such assessment, etc.— (*1*) Any informality, clerical error, omission or other defect of form in any assessment made or in any distress levied or in any notice, bill, summons or other document issued under this Act or under any rule or by-law made under this Act, may at any time, as far as possible, be rectified—

(*a*) when any special procedure has been laid down by or under this Act for the rectification of such informality, clerical error, omission or other defect, after following such procedure; and

(*b*) where no such procedure has been laid down, after giving an intimation in writing to the person affected by such rectification.

(*2*) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, summons or other document invalid or illegal, if the provisions of this Act or of the rules or by-laws made thereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission or

other defect shall be entitled to recover full satisfaction for the special damage in any Court of competent jurisdiction.

[1][(*3*) Where by reason of any informality, clerical error, omission or other defect of form in any assessment made under this Act, the assessment is held to be invalid, it shall be lawful for the Council to levy and collect any tax on the basis of any previous assessment validly made.]

333.Entry for purposes of the Act.— (*1*) Subject to the provisions of sub-sections (*2*) to (*4*), it shall be lawful for the President, the Vice-President, the Chief Officer, or any officer authorised by or under this Act, or by the Chief Officer in this behalf, to enter for the purposes of this Act, with such assistants as he may deem necessary, into and upon any building or land and to open or cause to be opened any door, gate or other barrier—

(*a*) if he considers the opening thereof necessary for the purpose of such entry; and

(*b*) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(*2*) Save as otherwise provided in this Act or any rule or by-law made thereunder no entry authorised by or under this Act, shall be made except between the hours of sunrise and sunset.

(*3*) Save as otherwise provided in this Act or any rule or by-law made thereunder, no land or building shall be entered into or upon without the consent of the occupier or, if there be no occupier, of the owner thereof and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than twenty-four hours‘ written notice of the intention to make such entry:

Provided that, no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a stable for horses or a shed for cattle or a latrine or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any by-law made thereunder.

(*4*) When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

334. Chief officer may authorise any person to enter upon adjoining premises.—(*1*) Whenever any person is required to execute any work by or under the provisions of this Act and the Chief Officer is of opinion whether on receipt of an application from such person or otherwise that the only or the most convenient means by which such person can execute such work is by entering any of the adjoining premises belonging to some other person, the Chief Officer, after giving the owner or occupier of such adjoining premises a reasonable opportunity of stating any objection, may, if no such objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the person required to execute the work, to enter such adjoining premises:

1 This sub-section was inserted by Mah. 45 of 1975, s. 15.

Provided that, in an emergency, the Chief Officer may authorise any person to enter such adjoining premises, without giving the owner of such adjoining premises, opportunity to state his objection, if any.

(*2*) Subject to the provisions of sub-section (*3*), every such order bearing the signature of the Chief Officer shall be sufficient authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, to enter upon the said premises with assistants and workmen, and to execute the necessary work.

(*3*) The provisions of sub-sections (*2*), (*3*) and (*4*) of the last preceding section, except the proviso to sub-section (*3*) of that section, shall *mutatis mutandis* apply to every entry made under this section.

(*4*) In making such entry or in executing such work, as little damage as can be shall be done to the property of the owner of the adjoining premises, and the owner or occupier of the premises for the benefit of which the work is done, shall—

(*i*) cause the work to be executed with the least practicable delay; and

(*ii*) pay compensation to any person who sustains damage by the execution of such work.

If there is any dispute as regards the amount of compensation to be paid, such amount shall be determined by the Chief Officer.

(*5*) If the owner or occupier of the premises for the benefit of which the work is done, refuses to pay the compensation payable under sub-section (*4*), the amount of such compensation may be recovered by the Chief Officer as an arrear of a property tax and paid to the person who sustains damage by the execution of such work.

335. Power of Chief Officer to call for information as to ownership of any property.—(*1*) The Chief Officer may, in order to facilitate the service, issue, presentation or giving of any notice, bill, summons or such other document upon or to any person, by written notice require the owner or occupier of any immovable property or of any portion thereof or the owner or person in charge of any movable property to state in writing, within such period as the Chief Officer may specify in the notice, the nature of his interest therein and the name and address of any other person having an interest therein, whether as freeholder, mortgagee, lessee or otherwise so far as such name and address are known to him.

(*2*) Any person required by the Chief Officer in pursuance of sub-section (*1*) or any other provision of this Act to give the Chief Officer any information shall be bound to comply with the same, and to give true information to the best of his knowledge and belief.

336.Power of Collector to recover record and money.— (*1*) Where on information received, the Collector is of the opinion that any person, who in his capacity as a President, Vice-President, Councillor or officer or servant of a Council had in his custody any records, stores or money or other property belonging to the Council, inspite of the expiry of his term of office or his removal or suspension from office, as the case may be, has not delivered such records, stores, money or other property to his successor in the office, the Collector may by a written order require that the records, stores, money or other property so detained, be delivered to such successor within the time to be specified in such order.

(*2*) If such President, Vice-President, Councillor, officer or servant of the Council fails to comply with the order of the Collector under the foregoing sub-section, it shall be lawful for the Collector,—

(*a*) for recovering any such money, to direct that such money may be recovered as an arrear of land revenue and on such direction being given by the Collector such money shall be recoverable as an arrear of land revenue from such person;

(*b*) for recovering any such records or stores or other property to issue a search warrant and to exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the [1]Code of Criminal Procedure, 1898 (V of 1898).

1 *See* now the Code of Criminal Procedure, 1973 (2 of 1974).

(*3*) No action shall be taken under this section, unless the person concerned has been given a reasonable opportunity to show cause why such action should not be taken against him.

(*4*) The fact that action is or has been taken against an outgoing President or Vice-President under the provisions of this section shall not be a bar to the prosecution of such President or Vice-President under [1][sub-section (*5*)] of section 57.

337.Power to grant *ex-post facto* sanction.— Where by or under this Act, the previous sanction of any authority is required in respect of any staff or expenditure and such previous sanction is not obtained, such authority may accord *ex-post facto* sanction, if it is satisfied that such action was *bona fide* and has not caused or is not likely to cause injury to any person or that the action taken was in public interest.

338.General provisions regarding grant, suspension or withdrawal of licences and written permission and levy of fees, etc.— (*1*) Whenever it is provided by or under this Act that a licence or a written permission may be given for any purpose, such licence or permission shall specify the period for

which, and the restrictions and conditions subject to which, the same is granted and the date by which an application for the renewal of the same shall be made and shall be given under the signature of the Chief Officer or of any other municipal officer empowered by or under this Act or by the Chief Officer to grant the same.

(*2*) Except as otherwise provided by or under this Act, there shall be charged a fee—

(*a*) for every such licence at such rates as shall from time to time be specified in the respective provision of the by-laws relating to the grant of such licence; and

(*b*) for every such written permission at such rates as shall from time to time be specified in the by-laws made in this behalf:

Provided that,—

(*i*) such fee may be a recurring fee;

(*ii*) the by-laws may provide for the levy of a higher fee by way of penalty for any act done by any person without licence or written permission;

(*iii*) the higher fee levied under clause (*ii*) of this proviso shall be leviable in addition to any other penalty or liability to which such person may be liable under the provisions of this Act or any rules or by-laws made thereunder.

(*3*) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if such authority is satisfied that it has been secured by the holder through misrepresentation or fraud or if any of its restrictions or conditions are infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any rule or by-laws pertaining to any matter to which such licence or permission relates.

(*4*) When any such licence or written permission is suspended or revoked or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the licence or written permission is cancelled or until the licence or written permission is renewed, as the case may be:

Provided that, when an application has been made for the renewal of a licence or written permission by the date specified therein, the applicant shall be entitled to act as if it has been renewed, pending the receipt of orders.

(*5*) Every person to whom any such licence or written permission has been granted shall, at all reasonable times, while such written permission or licence remains in force, if so required by the Chief Officer or any municipal officer duly authorised in this behalf, produce such licence or written permission.

(*6*) Every application for a licence or written permission shall be addressed to the Chief Officer.

1 This was substituted for ―sub-section (*4*)‖ by Mah. 47 of 1973, s. 26.

(*7*) The acceptance by or on behalf of the Council of the fee for a licence or permission shall not in itself entitle the person paying the fee to the licence or permission.

339.Power to order closure of place.— Upon a conviction being obtained in respect of the use of any place for any purpose without a licence or permission or in contravention of the conditions subject to which any licence or permission may have been granted, the Magistrate may, on the application of the authority competent to grant such licence or permission but not otherwise, order such place to be closed, and thereupon appoint any person or persons or take other steps to prevent such place being so used.

340.Power of State Government to make suitable provisions by order when a municipal area is created or altered.— (*1*) In this section, unless the context otherwise requires—

(*a*) ―specified day‖ means the day from which any local area is declared to be a [1][smaller urban area under sub-section (*2*)] of section 3 or the day from which a change referred to in any of the clauses (*a*) to (*d*) of sub-section (*1*) of section 6 takes effect;

(*b*) ―existing local authority‖, in relation to any local area, means the Municipal Council or the panchayat or where there is no Municipal Council or panchayat, the Zilla Parishad having jurisdiction over such area immediately before the specified day;

(*c*) ―successor local authority‖, in relation to any local area, means the Municipal Council or the panchayat or where there is no Municipal Council or panchayat, the Zilla Parishad having jurisdiction over such area from the specified day;

(*d*) ―Zilla Parishad‖, in relation to any local area, means a Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) and having jurisdiction over such area;

(*e*) ―panchayat‖ means a village panchayat established or deemed to be established for any village or group of villages under the [2]Bombay Village Panchayats Act, 1958 (III of 1959).

(*2*) When—

(*a*) any local area is declared to be a [3][smaller urban area;]

(*b*) any local area is added to be a [4][smaller urban area;]

(*c*) any local area is excluded from a [5][smaller urban area;]

(*d*) two or more municipal areas are amalgamated into one [6][smaller urban area]; or

(*e*) a [7][smaller urban area] is split up into two more municipal areas ; the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the *Official Gazette*, provide for all or any of the following matters, namely :—

[8][(*i*) in a case falling under clause (*a*), (*d*) or (*e*), the appointment of a Government Officer, or Officers to exercise all the powers and duties of a Council under the Act, until a new Council is or, as the case may be, Councils are duly constituted in accordance with the provisions of the Act:

Provided that,—

1 These words were substituted for the words ―municipal area under sub-section (*1*)‖ by Mah. 41 of 1994, s. 159(*a*). 2 The short title of this Act was substituted as ―the Maharashtra Village Panchayats Act‖ by Mah. 24 of 2012, Schedule, entry 74.

3 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 159(*b*)(*1*).

4 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 159(*b*)(*1*).

5 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 159(*b*)(*1*).

6 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 159(*b*)(*1*).

7 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 159(*b*)(*1*).

8 The paragraph (*i*) was substituted by Mah. 41 of 1994, s. 159(*b*)(*2*).

(*i*) the terms and conditions (including the remuneration) of such Officer or Officers shall be as determined by the State Government;

(*ii*) such Officer or Officers shall hold office until the first meeting of the Council;]

[1][(*ii*) in a case falling under clause (*b*), interim increase in the number of councillors by election of Councillors from the local area added;]

(*iii*) in a case falling under clause (*c*), the removal of the Councillors, who in the opinion of the State Government, represent the area excluded from the [2][smaller urban area;]

[3][* * * *]

(*vi*) the transfer, in whole or in part, of the assets, rights and liabilities of an existing local authority (including the rights and liabilities under any agreement or contract made by it) to any successor local authorities or the State Government and the terms and conditions for such transfer;

(*vii*) the substitution of any such transferee for an existing local authority or the addition of any such transferee as a party to any legal proceeding to which an existing local authority is a party; and the transfer of any proceedings pending before the existing local authority or any authority or office subordinate to it to any such transferee or any authority or officer subordinate to it;

(*xi*) the continuance within the area of an existing local authority of all or any budget estimates, assessments, assessment lists, valuations, measurements or divisions made or authenticated by, or in respect of such existing local authority a(*viii*) the transfer or re-employment of any employees of an existing local authority to, or by, any such transferee or the termination of services of any employees of an existing local authority and the terms and conditions applicable to such employees after such transfer or re-employment or termination;

(*ix*) the continuance within the area of an existing local authority of all or any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws, regulations or forms made, issued, imposed or granted by, or in respect of, such existing local authority and in force within its area immediately before the specified day, until superseded or modified under this Act;

(*x*) the extension and commencement of all or any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws, regulations or forms made, issued, imposed or granted under this Act by, or in respect of, any existing Council and in force within its area immediately before the specified day, to and in all or any of the other areas of the successor Council, in supersession of corresponding appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws, regulations or forms (if any) in force in such other areas immediately before the specified day, until the matters so extended and brought into force are further superseded or modified under this Act;

(*xi*) the continuance within the area of an existing local authority of all or any budget, estimates, assessments, assessments lists, valuations, measurements or divisions made or authenticated by, or in respect of such existing local authority and in force within its area immediately before the specified day, until superseded or modified under the relevant law;

(*xii*) the removal of any difficulty which may arise on account of any change referred to in clauses (*a*) to (*e*).

1 The paragraph (*ii*) was substituted by Mah. 41 of 1994, s. 159(*b*)(*3*).

2 These words were substituted for the words ―municipal area‖ by Mah. 41 of 1994, s. 159(*b*)(*4*). 3 Paragraphs (*iv*) and (*v*) were deleted by Mah. 41 of 1994, s. 159(*b*)(*5*).

(*3*) Where an order is made under this section transferring the assets, rights and liabilities of any existing local authority, then, by virtue of that order, such assets, rights and liabilities of the existing local authority shall vest in and be the assets, rights and liabilities of, the transferee.

(*4*) (*a*) Where an order is made under this section, the Director shall, 1[* *] take steps in accordance with 2[sections 9 and 10] of this Act for the purpose of determining the number of Councillors of, and for holding election for, the new Council or Councils, as the case may be;

(*b*) 3[* *]

(*c*) save as otherwise provided by or under this section, the provisions of this Act shall *mutatis mutandis* apply to any such Council, its Councillors [4][(including the President and the Vice-President)] or administrator.

341.Abolition of municipalities.— When the whole of the local area comprising a municipal area ceases to be a municipal area, with effect from the day on which such local area ceases to be a municipal area,—

(*i*) the Council constituted for such municipal area shall cease to exist or function;

(*ii*) the Councillors of the Council [5][* * *] shall vacate office;

(*iii*) the Director may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the *Official Gazette* provide in respect of such area for all or any of the matters specified in paragraphs (*vi*) to (*xii*) (both inclusive) of sub-section (*2*) of section 340 and the provision of sub-section (*3*) of that section shall apply to such order.

[6][CHAPTER XXVI-A

NAGAR PANCHAYATS

341A.Specification of a transitional area and incorporation of a *Nagar Panchayat*.— (*1*) The State Government may, having regard to the factors mentioned in clause (*2*) of article 243-Q of the Constitution of India, specify, by notification in the *Official Gazette*, an area in transition from a rural to an urban area to be a transitional area:

Provided that, no such area shall be so specified as a transitional area unless,—

(*a*) such area has a population of not less than ten thousand and not more than twenty-five thousand; and

(*b*) such area is not more than twenty kilometers away from the territorial limits of any Municipal Corporation or a ―A‖ Class Council and the percentage of employment in non-agricultural activities in such area is not less than twenty-five per cent.; or

(*c*) such area is more than twenty kilometers away from the territorial limits of any Municipal Corporation or a ―A‖ Class Council but the percentage of employment in non-agricultural activities in such area is not less than fifty per cent.

[7][(*1A*) Notwithstanding anything contained in the proviso to sub-section (*1*), the State Government may, by notification in the *Official Gazette*, declare an area which is a District Headquarter or a Taluka Headquarter to be a transitional area.

(*1B*) Prior to the publication of a notification under sub-section (*1*) or (*1A*), the procedure prescribed in sub-sections (*3*), (*4*) and (*5*) of section 3 shall *mutatis mutandis* be followed.]

1 The portion beginning with the words ―before the‖ and ending with the words ―sub-section (*1*),‖ were deleted by Mah. 41 of 1994, s. 159(*c*)(*1*)(*i*).

2 These words and figures were substituted for the word and figure ―section 9‖ by Mah. 41 of 1994, s. 159(*c*)(*1*)(*ii*). 3 This clause was deleted by Mah. 41 of 1994, s. 159(*c*)(*2*).

4 These brackets and words were inserted by Mah. 47 of 1973, s. 27(*2*)(*b*).

5 The brackets and words ―(including the President)‖ were deleted by Mah. 19 of 1981, s. 20.

6 Chapters XXVI-A and XXVI-B were inserted by Mah. 41 of 1994, s. 160.

7 These sub-sections were inserted by Mah. 11 of 2002, s. 52.

(*2*) For every transitional area so specified under sub-section (*1*), there shall be constituted a *Nagar Panchayat* as provided in section 341B which shall be known by the name of ..... *Nagar Panchayat*. Every such *Nagar Panchayat* shall be a body corporate and shall have perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contract and may by the said name sue and be sued.

341B.Constitution and elections to Nagar Panchayat.— (*1*) A *Nagar Panchayat* shall consist of [1][seventeen] directly elected Councillors.

(*2*) For the purpose of elections, a transitional area shall be divided into such number of territorial constituencies, to be known as wards, as there are Councillors.

(*3*) Each ward shall elect one Councillor.

(*4*) The provisions of sections 9 [2][, 9A] and 10 relating to reservation of seats for Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women in a Council and of [3][section 51-1A and 51-1B] relating to reservation of office of the President of a Council shall, *mutatis mutandis*, apply to a *Nagar Panchayat*.

[4][**341B-1. Election of President of Nagar Panchayat.—** (*1*) Subject to the provisions of section section 51-1A, every *Nagar Panchayat* shall have a President who shall be elected by the elected Councillors from amongst themselves.

(*2*) The Collector shall, within twenty-five days from the date on which the names of the Councillors elected to *Nagar Panchayat* are published or, as the case may be, first published under sub-section (*1*) of section 19, in the *Official Gazette*, convene a special meeting of the Councillors for election of a President:

Provided that, a meeting under this section shall not be held before the expiry of the term of office of the outgoing Councillors.

(*3*) The meeting called under sub-section (*2*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a *Nagar Panchayat* when presiding over a meeting of the *Nagar Panchayat* has, but shall not have the right to vote:

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(*4*) Any Councillor aggrieved by any decision of the Collector or such officer, accepting or rejecting any nomination paper, may, within forty-eight hours from intimation of such decision, present an appeal to the Regional Director of Municipal Administration concerned and simultaneously give notice of such appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving a reasonable opportunity of being heard to the parties concerned. The decision of the Regional Director on such appeal, and subject only to such decision (if any), the decision of the Collector or such officer, as the case may be, accepting or not shall not be called in question in any Court.

(*5*) If, in the election of the President there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine.

(*6*) Any dispute regarding election of the President shall be referred to the State Government whose decision in that behalf shall be final.

1 This word was substituted for the word ―ten‖ by Mah. 30 of 2001, s. 2.

2 These figure and letter were inserted by Mah. 21 of 2018, s. 8(*a*).

3 These words, figures and letters were substituted for the words, figures and letters ―section 51-1A‖ by Mah. 21 of 2018, s. 8(*b*).

4 Sections 341-1 to 341B-6 were inserted by Mah. 9 of 2017, s. 11.

(*7*) After election of the President, the *Nagar Panchayat* shall continue its meeting for the purpose of electing the Vice-President.

(*8*) If there is a vacancy in the office of the President due to any reason whatsoever, then for subsequent election of a President, the same procedure as laid down in sub-sections (*2*) to (*6*) (both inclusive) shall apply except that the special meeting shall be called by the Collector within twenty-five days from the date on which the vacancy occurs.

[1][* * * *]

[2]**[341B-1A. Direct election of President of Nagar Panchayat.—**[3][(*1*) Notwithstanding anything contained in section 341B-1, every *NagarPanchayat*, to which the general election is to be held after the date of the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022 (Mah. XLI of 2022), subject to the provisions of section 51-1A, shall have a President who shall be elected by the persons whose names are included in the voters list prepared for elections of Councillors of *Nagar Panchayats* from each ward under section 341B.]

(*2*) Every person qualified to be elected as a Councillor to the *Nagar Panchayat* shall be qualified to be elected as a President at an election under sub-section (*1*).

(*3*) Election of the President shall be held simultaneously with the general elections of the *Nagar Panchayat* and the procedure regarding holding of elections to the *Nagar Panchayats* shall, *mutatis mutandis*, apply to such election.

(*4*) If at an election, no President is elected, a fresh election shall be held to elect a President, and if there is a failure to elect a President at the fresh election, such vacancy may, notwithstanding anything contained in this Act, be filled by election by the elected Councillors from amongst themselves.

(*5*) Any person elected under sub-section (*4*) or (*7*) shall be deemed to be duly elected at an election under this section.

(*6*) If, in the election of the President, there is an equality of votes, the result of the election shall be decided by lots to be drawn by the State Election Commissioner or the officer appointed by him for the purpose.

(*7*) If, during the term of the elected Councillors, there is a vacancy in the office of the President due to any reason, the same procedure as provided in sub-sections (*1*) to (*6*) shall apply and such President shall remain in office only for the remainder of the term, for which his predecessor would have remained in office but for such casual vacancy:

Provided that, if a vacancy occurs, which is within six months prior to the date on which the term of office of the elected Councillor expires, the same shall be filled in by election from amongst the elected Councillors.

(*8*) In case of a dispute regarding election of the President, the provisions of section 21 shall, *mutatis mutandis*, apply.

(*9*) The President shall convene first general meeting of the *Nagar Panchayat* within twenty-five days from the date on which the name of the President and the elected Councillors is published in the *Official Gazette* after the general elections of the *Nagar Panchayat* and the President. The nomination of the Councillors under clause (*b*) of sub-section (*1*) of section 9 shall be made in the prescribed manner in this meeting by the President elected under this section.]

1 Sub-section (*9*) was deleted and shall be deemed to have been deleted with effect from the 1st January 2022 by Mah. 2 of 2025, s. 2.

2 Section 341B-1A was inserted by Mah. 8 of 2018, s. 2.

3 This sub-section was substituted by Mah. 41 of 2022, s. 6.

[1]**[341B-1B. Non-application of section 341B-1A for election of President of *Nagar Panchayats*.—** After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020 (Mah. XII of 2020), in respect of the general elections and by-elections to the *Nagar Panchayats*, the provisions of section 341B-1A shall cease to apply and every *Nagar Panchayat* shall have a President who shall be elected under section 341B-1 and the provisions of the said section 341B-1 shall apply therefor.]

341B-2. Election of Vice-President of Nagar Panchayat.— (*1*) Every *Nagar Panchayat* shall have a Vice-President, who shall be elected by the elected Councillors from amongst themselves in the special meeting convened under sub-section (*2*) of section 341B-1.

(*2*) The meeting to elect the Vice-President shall be presided over by the Collector or such officer as the Collector may nominate specially in this behalf, but the Collector or such other officer shall have no right to vote:

Provided that, notwithstanding anything contained in this Act or the rules made thereunder, for regulating the procedure at meetings (including the quorum thereat), the Collector or, as the case may be, the officer, presiding over such meeting may, for sufficient reasons to be recorded in writing, refuse to adjourn such meeting.

(*3*) If, in the election of the Vice-President, there is equality of votes, the result of the election shall be decided by the officer presiding over such meeting by drawing lots.

(*4*) The name of the Vice-President so elected shall be notified by the Collector, in the *Official Gazette*, within fifteen days from such election.

(*5*) Any dispute regarding the election of the Vice-President shall be referred to the State Government, whose decision thereon shall be final.

(*6*) Subject to the provisions of section 55A and other provisions of this Act, the Vice-President, shall hold the office, [2][for a term of five years] from the date of his election.

[3][(*6A*) In respect of the *Nagar Panchayats* to which the President is directly elected [4][prior to the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022 (Mah. XLI of 2022)], the provisions of this section shall apply with the following modifications :—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely :—

"(*1*) Every *Nagar Panchayat* shall have a Vice-President who shall be elected by the elected Councillors amongst themselves in the first general meeting convened under sub-section (*9*) of section 341B-1A.";

(*ii*) for sub-section (*3*), the following sub-section shall be substituted, namely :—

"(*3*) If in the election of Vice-President there is equality of votes, the President elected under section 341B-1A shall have a second or casting vote.";

(*iii*) for sub-section (*6*), the following sub-section shall be substituted, namely :—

"(*6*) Subject to the provisions of section 55A and other provisions of this Act, the Vice-President shall hold the office for a term of five years from the date of his election and his term shall be co-terminus with the term of the *Nagar Panchayat*."]

[5][* * *]

1 Section 341B-1B was inserted by Mah. 12 of 2020, s. 9.

2 These words were substituted for the words "for a term of two and half years" and shall be deemed to have been substituted with effect from the 1st January 2022 by Mah. 2 of 2025, s. 3.

3 Sub-section (*6A*) was inserted by Mah. 8 of 2018, s. 3.

4 These words and figures were substituted for the words and figure "after the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017 (Mah. VIII of 2018)" by Mah. 41 of 2022, s. 8(*1*).

5 Sub-sections (*6B*) and (*6C*) were deleted by Mah. 41 of 2022, s. 8(*2*).

(*7*) If there is any vacancy in the office of the Vice-President for any reason whatsoever, the vacancy shall be filled up by following the procedure prescribed in sub-sections (*1*) to (*3*) and the Vice-President so elected shall remain in office only for the remainder of the term, for which his predecessor would have remained in office but for such vacancy.

341B-3. Nomination of Councillors of Nagar Panchayat.— (*1*) The Collector shall, within seven days from the date of election of the President, call a special meeting for the purpose of nominating Councillors.

(*2*) The nominations of the Councillors under clause (*b*) of sub-section (*1*) of section 9, shall be made in the prescribed manner.

(*3*) The meeting called under sub-section (*1*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a *Nagar Panchayat* when presiding over a meeting of the *Nagar Panchayat* has, but shall not have the right to vote:

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

[1][(*4*) The provisions of this section shall not apply when the President is elected under section 341B-1A].

341B-4. Term of office of President of Nagar Panchayat.—[2][[3][(*1*)] The term of the President shall be of five years and shall be co-terminus with the term of the *Nagar Panchayat*.]

[4][(*2*) Notwithstanding anything contained in sub-section (*1*), the term of office of the President, elected under sub-section (*1*) of section 341B-1A, shall be of five years and shall be co-terminus with the term of the *Nagar Panchayat*.

[5][* * * *]

[6][* * * *]

[7][**341B-5. Removal of President of Nagar Panchayats by Councillors.—** (*1*) The requisition for removal of the President elected under section 341B-1 shall be signed by not less than one-half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector:

Provided that, no such requisition shall be sent within a period of one year from the date of election of such President.

(*2*) Upon receipt of the requisition under sub-section (*1*), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition:

Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons.

(*3*) The Collector shall submit the findings of the enquiry to the Government for taking appropriate action under section 55A as applicable therefor.]

1 Sub-section (*4*) was inserted by Mah. 8 of 2018, s. 4.

2 Section 341B-4 was renumbered as sub-section (*1*) of that section by Mah. 8 of 2018, s. 5.

3 Sub-section (*1*) was substituted and shall be deemed to have been substituted with effect from the 1st January 2022 by Mah. 2 of 2025, s. 4(*1*).

4 Sub-sections (*2*) and (*3*) were inserted by Mah. 8 of 2018, s. 5.

5 Sub-section (*3*) was deleted and shall be deemed to have been deleted with effect from the 1st January 2022 by Mah. 2 of 2025, s. 4(*2*).

6 Sub-section (*4*) was deleted by Mah. 41 of 2022, s. 9(*2*).

7 Section 341B-5 was substituted by Mah. 12 of 2020, s. 12.

341B-6. Removal of Vice-President of Nagar Panchayats by Councillors.— (*1*) A Vice-President shall cease to be the Vice-President, if the *Nagar Panchayat* by a resolution passed by a majority of not less than two-thirds of the total number of the Councillors, at a special meeting, so decides:

Provided that, no such resolution shall be moved within a period of six months from the date of election of the Vice-President.

(*2*) The requisition for such special meeting shall be signed by not less than one-half of the total number of Councillors and shall be sent to the President, and the President shall, within ten days of the receipt of such requisition, convene a special meeting of the *Nagar Panchayat*, where the nominated Councillors shall have no right to vote.

(*3*) If the resolution seeking removal of the Vice-President is not moved or as the case may be, rejected in the special meeting convened for the purpose under sub-section (*2*), no fresh resolution for such removal shall be brought during the tenure of such Vice-President.]

[1][**341B-7. Application of certain sections to Nagar Panchayats.—** Notwithstanding anything contained in sections 341B-1 to 341B-6, the provisions of sections 55, 55-1, 58, 75, 77, 81, 93 and 101 shall apply *mutatis mutandis* to the *Nagar Panchayats*.]

341C. Powers to extend provisions of this Act relating to councils to a transitional area.— (*1*) The State Government may, by order to be published in the *Official Gazette*, apply to a transitional area, with such incidental or consequential modifications as the State Government may consider necessary for giving effect to the provisions of this Chapter, any provisions of this Act which apply to a Municipal Council for a ‗C' Class smaller urban area.

(*2*) When any tax is imposed by a *Nagar Panchayat* in its local area under any of the provisions of this Act as extended under sub-section (*1*), the proceeds of such tax shall be expended in the same manner in which and for the purposes for which the municipal fund may be expended by a Council.

341D. Abolition or alteration of a transitional area.— The State Government may, at any time, in accordance with the provision of this Act, by notification in the *Official Gazette*,—

(*a*) constitute a transitional area or a part thereof to be a smaller urban area; or

(*b*) include a transitional area or any part thereof within a smaller urban area.

341E. Consequences of such abolition or alteration.— (*1*) When the whole of a transitional area is constituted to be a smaller urban area, the transitional area shall cease to exist and the properties, funds and other assets vested in the *Nagar Panchayat* of that transitional area and all the rights and liabilities of such *Nagar Panchayats* shall vest in and devolve on the Council of that smaller urban area.

(*2*) When a part of a transitional area is constituted to be or is included in any smaller urban area such part shall be deemed to have been excluded from the transitional area specified under section 341A and so much of the properties, fund and other assets vested in the *Nagar Panchayat* of that transitional area and such of the rights and liabilities of such *Nagar Panchayat* as may be allocated by the State Government by an order in this behalf, shall vest in and devolve on the Council for such smaller urban area.

CHAPTER XXVI-B

INDUSTRIAL TOWNSHIPS

341F. Specification of Industrial Township.— The State Government may, having regard to the factors mentioned in the proviso to clause (*1*) of article 243-Q of the Constitution of India and location of any particular industrial area developed by the Maharashtra Industrial Development Corporation constituted under the Maharashtra Industrial Development Act, 1961 (Mah. III of 1962)

1 Section 341B-7 was inserted by Mah. 25 of 2018, s. 16.

[1][City and Industrial Development Corporation of Maharashtra Limited incorporated under the [2]Companies Act, 1956 (1 of 1956)] or by a Co-operative Society formed for developing a Co-operative Industrial Estate, specify, by notification in the *Official Gazette*, any urban area or part thereof, to be an Industrial Township.

341G. Incorporation of Industrial Township Authority.— For every Industrial Township there shall be an Industrial Township Authority. Every such Authority shall be a body corporate by the name of ―the ..... Industrial Township Authority‖ and shall have

perpetual succession and a common seal, and shall have power to acquire, hold and dispose of property, and to enter into contracts and may by that name sue, and be sued.

341H. Constitution of Industrial Township Authority.— The Industrial Township Authority shall consist of—

(*a*) Chairperson Development Corporation formed Industrial	. .	To be nominated by the Maharashtra Industrial Corporation, [3][City and Industrial Development of Maharashtra Limited] or the Co-operative Society for developing Co-operative Industrial Estate in that Township, who shall be a non-official member;
(*b*) Two Members	. .	To be nominated by the Maharashtra Industrial Development Corporation, [4][City and Industrial Development Corporation of Maharashtra Limited] or the Co-operative Society formed for developing a Co-operative Industrial Estate, in that Industrial Township, one of whom shall be the Chief Executive Officer of the Industrial Township Authority;
(*c*) Two Members Industrial Units	. .	To be nominated by the Association of situated in the Industrial Township; and
(*d*) One Member which such	. .	To be nominated by the Collector of the District in Industrial Township is situated.

341I. Term of Office of Members.— (*1*) The term of office of the Chairperson and the Members nominated under clauses (*b*) and (*c*) of section 341H shall, unless earlier withdrawn by the concerned nominating bodies mentioned in clauses (*b*) and (*c*) of section 341H shall be five years.

(*2*) Any non-official member may resign his office by writing under his hand addressed to the Chairperson. The Chairperson may resign his office by writing under his hand addressed to the Collector. The resignation shall be effective from the date of its receipt by the Chairperson, or as the case may be, by the Collector.

(*3*) Any casual vacancy arising out of such resignation or for any other reason, such as death or disablement of the Chairperson or a member, shall be filled in by nomination as provided in section 341H.

(*4*) Any member so nominated under sub-section (*3*), shall hold office only for the remainder of the term for which the member, in whose place he is nominated would have held such office.

341J. Terms and conditions of service of Chief Executive Officer and Members.— (*1*) The terms and conditions of service including the remuneration of the Chief Executive Officer nominated under clause (*b*) of section 341H shall be such as may be determined by the Maharashtra Industrial Development Corporation, [5][City and Industrial Development Corporation of Maharashtra Limited] or the said Co-operative Society, by such general or special orders, as may be issued in this behalf, from time to time.

1 These words and figures were inserted by Mah. 5 of 2002, s. 2. 2 Companies Act, 1956 stands repealed by Act No. 18 of 2013, s. 465. 3 These words were inserted by Mah. 5 of 2002, s. 3(*a*).

4 These words were inserted by Mah. 5 of 2002, s. 3(*b*).

5 These words were inserted by Mah. 5 of 2002, s. 4.

341K. Meetings of Industrial Township Authority.— (*1*) The Industrial Township Authority shall meet at least once in a month.

(*2*) The quorum necessary at any such meeting of the Authority shall be three.

(*3*) Decisions, regarding any business transacted, at such meeting shall be taken by a simple majority. In the case of an equality of votes the Chairperson shall have the casting vote.

(*4*) No act or proceeding of the Industrial Township Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the Industrial Township Authority or any defect in the nomination of a person acting as the Chairperson or a Member or any irregularity in the procedure of the Industrial Township Authority including in issuing of notice for holding of meeting, not affecting merits of the matter.

341L. Authentication of orders and documents of Industrial Township Authority.— All documents of the Industrial Township Authority shall be authenticated by the signature of the Chairperson of the Authority or any other officer authorised by the Authority in this behalf.

341M. Functions and duties of Industrial Township Authority.— It shall be incumbent on the Industrial Township Authority to make adequate provision, by any means or measures which it is lawfully competent for them to use or to take, for each of the following matters, namely :—

(*i*) the collection of any tax (including any penalty) which the State Government may under any law for the time being in force, levy or impose in such Industrial Township area, in the prescribed manner;

(*ii*) lighting public streets, places and buildings;

(*iii*) cleaning public streets, places and sewers, removing noxious vegetation; and abating all public nuisances;

(*iv*) extinguishing fires and protecting life and property when fires occur;

(*v*) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(*vi*) constructing, altering and maintaining public streets, culverts, boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewerage works, baths, washing places, drinking fountains, tanks, wells, and the like;

(*vii*) supply of protected drinking water to the inhabitants of the Township and obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply;

(*viii*) registering births and deaths;

(*ix*) establishing and maintaining public dispensaries and providing public medical relief and organising Family Planning Centres;

(*x*) establishing and maintaining primary schools;

(*xi*) taking such measures as the State Government may, from time to time, direct for improvement of the living and working conditions of the sanitary staff of the Authority;

(*xii*) providing special medical aid and accommodation for the sick in time of dangerous or communicable disease and taking such measures as may be required to prevent the outbreak or to suppress and prevent the recurrence of such disease; and

(*xiii*) any other functions and duties as may be assigned by the State Government.

341N. Powers of Industrial Township Authority.— (*1*) The Industrial Township Authority shall have the powers to do anything which may be necessary or expedient for the purposes of carrying out its functions under this Chapter, in accordance with the regulations framed under section 341-O. The Authority may, for this purpose, by an order delegate to its Chief Executive Officer such powers as it may deem fit.

(*2*) Without prejudice to the generality of the foregoing powers, it shall levy fees or service charges to cover its expenses on maintenance of road, drainage, water supply and such other services and

amenities as may be provided by it, including provision of street lighting. Such fees or charges may be levied on the property owner or occupiers of the properties or other persons receiving benefit of the services or amenities:

Provided that, the maximum and minimum rates at which the taxes aforesaid shall be levied shall be such as may be prescribed by rules.

341O. Power to make regulation.— The Industrial Township Authority may, with the previous sanction of the State Government, by notification in the *Official Gazette*, make regulations, for carrying out its function under this Chapter.

341P. General control of Government.— The State Government may issue to the Industrial Township Authority (Mah. XLII of 1964) such general or special directions as to policy as it may think necessary or expedient for the purpose of carrying out the purposes of this Chapter and the Authority shall be bound to follow and act upon such directions.

341Q. Powers to suspend execution of orders and resolutions of Industrial Township Authority on certain grounds.— (*1*) If, in the opinion of the Collector, the execution of any order or resolution of the Industrial Township Authority or the doing of anything which is about to be done or is being done by or on behalf of the Authority is causing or is likely to cause injury or annoyance to the public or is against public interest or to lead to a breach of the peace or is unlawful, he may by order in writing under his signature suspend the execution or prohibit the doing thereof.

(*2*) When the Collector makes any order under his signature, he shall forward to the Authority affected thereby a copy of the order indicating therein the reasons for making it and also submit a report to the Director, alongwith a copy of such order.

(*3*) Within twenty days from the receipt of such order of the Collector, the Authority shall, if it so desires, forward a statement to the Director indicating therein why the order of the Collector should be rescinded, revised or modified. If no such statement is received by the Director within that time, the Director shall presume that the Authority has no objection if the order of the Collector is confirmed.

(*4*) On receipt of such report from the Collector and the Authority‘s statement referred to in sub-section (*3*), if any, the Director may rescind the order or may revise or modify or confirm the order or direct that the order shall continue to be in force with or without modification:

Provided that, the Director shall take into account the statement of the Authority if received, before such an order is made by him.

341R. Power to appoint Administrator in certain circumstances.— If, in the opinion of the State Government, the Industrial Township Authority is unable to or has failed to perform its duties or to carry out its functions properly and satisfactorily, the State Government may, after giving the Authority a reasonable opportunity of being heard, by an order in writing published in the *Official Gazette*, appoint a Government Officer as an Administrator of the said Township, for a period specified in the order.

341S. Application of Regional and Town Planning Act.— The town planning matters in the Industrial Township shall be governed by the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) and the rules framed thereunder.

[1][CHAPTER XXVII]

342. [*Deleted*].

CHAPTER XXVIII

1 Chapter XXVII was deleted by Mah. 41 of 1994, s. 161.

REPEALS AND TRANSITORY PROVISIONS

343. Repeal.— Subject to the provisions of this Chapter (Bom. III of 1901),—

(*a*) the Bombay District Municipal Act, 1901 and Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), as in force in the Bombay area of the State;

(*b*) the Central Provinces and Berar Municipalities Act, 1922 (C. P. and Berar II of 1922), as in force in the Vidarbha region of the State;

(*c*) the Hyderabad District Municipalities Act, 1956 (Hyd. XVIII of 1956), as in force in the Hyderabad area of the State;

shall, on the appointed day, stand repealed.

344. Interpretation.— In this Chapter, unless the context otherwise requires—

(*a*) ―existing Council‖, in relation to any local area means, as the case may be—

(*i*) a borough municipality established under the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925);

(*ii*) a district or city municipality established under the Bombay District Municipal Act, 1901 (Bom. III of 1901);

(*iii*) a municipal committee established under the Central Provinces and Berar Municipalities Act, 1922 (C. P. and Berar II of 1922);

(*iv*) a municipal committee or a town committee established under the Hyderabad District Municipalities Act, 1956 (Hyd. XVIII of 1956),

and having jurisdicition over such area immediately before the appointed day;

(*b*) ―repealed law‖ means—

(*i*) in relation to a borough municipality in the Bombay area of the State, the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925);

(*ii*) in relations to a district or city municipality in the Bombay area of the State, the Bombay District Municipal Act, 1901 (Bom. III of 1901);

(*iii*) in relation to a municipal committee in the Vidarbha region of the State, the Central Provinces and Berar Municipalities Act, 1922 (C. P. and Berar II of 1922); and

(*iv*) in relation to a municipal or town committee in the Hyderabad area of the State, the Hyderabad District Municipalities Act, 1956 (Hyd. XVIII of 1956);

(*c*) ―successor Council‖, in relation to any local area, means the Council having jurisdiction over such area on and from the appointed day.

345. Special provision regarding Councillors of existing councils whose term is due to expire after 31st December 1965.— Notwithstanding anything contained in any repealed law or any other law for the time being in force, the term or extended term of office of the Councillors or members of any existing Council which is due to expire after the 31st day of December 1965, shall expire at 12 midnight on [1][the 31st day of December 1967 or such [2][earlier date as may be specified in this behalf by the State Government by notification in the *Official Gazette*.]]

[3]**[345A. Establishment, composition and term of office of first successor Councils, if term of existing Councillors is made to expire before 31st December 1967.–** (*1*) Notwithstanding anything in this Act, if the State Government, specifies a date earlier than the 31st day of December 1967 under

1 This portion was substituted for the words, figures and letters ―the 31st day of December 1965‖ by Mah. 52 of 1965, s. 3(*a*).

2 14th day of June 1966, *vide* G. N., U. D., P.H. and H. D., No. UMA. 1366 (*d*)-Unification-IV, dated 2nd June 1966. 3 Section 345A was inserted by Mah. 14 of 1966, s. 9.

section 345, then with effect from the day immediately following such earlier date, in place of every existing Council the first successor Council shall be deemed to be established under this Act for the respective municipal area.

(*2*) Where the Councillors or members of any existing Council are in office on the said earlier date, the successor Council shall consist of the said Councillors or members, as the case may be, who shall be deemed to be the Councillors duly elected at elections under this Act, and the provisions of section 9 relating to reservation of seats or co-option of Councillors shall not apply to such successor Council.

(*3*) Where any officer, by whatever designation referred to, appointed to exercise all the powers and perform and discharge all the duties and functions of any existing Council is in office on the said earlier date, he shall be deemed to be appointed Administrator under this Act and shall have and exercise all the powers and perform and discharge all the duties and functions of the successor Council and of all its authorities and committees and Councillors.

(*4*) Where a successor Council consists of Councillors deemed to be elected as provided in sub-section (*2*), the Collector shall, within twenty-five days from the date on which such Council is deemed to be established under sub-section (*1*), convene a special meeting of the said Councillors for election of a President and Vice-President, and the procedure prescribed in section 51, shall *mutatis mutandis* apply for electing the President and Vice-President.

(*5*) The term of office of the Councillors deemed to be elected and of every Administrator deemed to be appointed under this section shall expire at 12 midnight, on such [1][date as the State Government may, by notification in the *Official Gazette*] specify in this behalf, but such date shall in no case be beyond the 31st day of December, 1967:

Provided that, in the case of the first successor Councils of Hill Station Municipal areas mentioned in column 3 of Part II of Schedule I, the State Government may, at any time after the date on which the term or extended term of office of the Councillors or members, of the corresponding existing Councils would under the relevant Act have expired, but for the provisions of the Maharashtra Municipalities (Postponement of election pending Unification of Municipal Laws) Act, 1964 (Mah. XLII of 1964) appoint, in place of the Councillors deemed to be elected under this section, fifteen persons to be Councillors and one of them to be the President of the successor Councils. Amongst these fifteen Councillors, at least eight shall be persons, who are duly qualified to be elected, and the remaining may be persons considered suitable by the State Government in this behalf and appointed by virtue of office or by name. The term of office of such Councillors shall expire at the same time at which the term of office of the Councillors deemed to be elected will expire under this sub-section:

[2][Provided further that, where the State Government has specified a date earlier than the 31st day of December, 1967 under this sub-section and the State Government is of opinion that for some reason, such as the granting of an injunction or stay by a Court, it is not practicable to complete all stages of the general election of Councillors to any Council before such earlier date, then notwithstanding that the earlier date has been already specified, the State Government may, by notification in the *Official Gazette*, extend the term of Councillors or of the Administrator, as the case may be, of such Council to any date beyond the earlier date aforesaid, as it may specify from time to time, or may, by like notification, in place of the Councillors appoint an officer to be an Administrator to exercise all the powers and perform and discharge all the duties and functions of the Council concerned and of all its authorities and committees and Councillors, but in no case [3][beyond the 31st day of December, 1968].

(*6*) During the period commencing on the date on which the successor Councils are deemed to be established under sub-section (*1*) and ending on the date specified under [4][sub-section (*5*)], no election shall be held or nomination made to fill any vacancy in the successor Council, but elections to various

1 1st day of July 1967 *vide* G.N., U.D., P.H. and H.D., No. UMA. 1067-A, dated the 11th March 1967.

2 This proviso was deemed to have been added on the 10th day of June, 1967 by Mah. 10 of 1967, s. 7.

3 This was substituted by Mah. 6 of 1968, s. 2.

4 This was deemed always to have been substituted for the words, brackets and figure ―sub-section (*4*)‖ by Mah. 8 of 1967, s. 6.

authorities and committees may take place as and when required, and the restrictions contained in sub-section (*3*) of section 63 and the proviso to section 66 shall not apply at such election].

346. Consequences of replacement of existing Councils.— With effect on and from the appointed day, the following consequences shall ensue, that is to say—

(*a*) every local area within the jurisdiction of an existing Council immediately before the appointed day shall be deemed to be declared a municipal area under this Act and shall be called by the corresponding name given thereto in Schedule I and shall belong to such Class under which it is specified in that Schedule and the Council therefor shall be called by the name specified against it in column 3 of the said Schedule;

(*b*) all property, movable and immovable, and all interests of whatsoever nature and kind therein, which vested in an existing Council immediately before the appointed day, shall be deemed to be transferred to, and shall vest, without further assurance in the successor Council, subject to all limitations, conditions and rights or interests of any person, body or authority in force or subsisting immediately before the appointed day;

(*c*) all rights, liabilities and obligations of an existing Council (including those arising under any agreement or contract) shall be deemed to be the rights, liabilities and obligations of the successor Council;

(*d*) all sums due to an existing Council, whether on account of any tax or otherwise, shall be recoverable by the successor Council, and for the purposes of such recovery the successor Council shall be competent to take any measures or institute any proceedings which it would have been open to the existing Council or any authority thereof to take or institute before the appointed day;

(*e*) the municipal fund of an existing Council shall be deemed to be the municipal fund of the successor Council;

(*f*) all contracts made with and all instruments executed on behalf of an existing Council shall be deemed to have been made with, or executed on behalf of, the successor Council, and shall have effect accordingly;

(*g*) all proceedings and matters pending before any authority under any of the repealed laws immediately before the appointed day, shall be deemed to be transferred to the corresponding authority under this Act competent to entertain and dispose of such proceedings or matters;

(*h*) in all suits and legal proceedings pending on the appointed day in or to which an existing Council was a party, the successor Council shall be deemed to have been substituted therefor;

(*i*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, regulation or form held, made, issued, imposed or granted by or in respect of an existing Council under any of the repealed laws or any other law for the time being in force in the area of such existing Council, and in force immediately before the appointed day, shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force, as if made, issued, imposed or granted in respect of the corresponding area of the successor Council, until superseded by an authority competent so to do:

Provided that—

(*i*) no rule made under any of the repealed laws in respect of an existing Council and in force immediately before the appointed day shall be deemed to be inconsistent with the provisions of this Act by reason only of the fact that under this Act it is permissible to make only a by-law or any other instrument other than a rule in respect of the matter provided for in such rule;

(*ii*) the provisions of clause (*i*) of this proviso shall *mutatis mutandis* apply to any by-laws, regulations, or any other instruments made under any of the repealed laws in respect of an existing Council and in force immediately before the appointed day:

[1][Provided further that, any assessment made on any tax levied by any existing Council before the appointed day and in force immediately before that day shall notwithstanding the fact that it is inconsistent with the provisions of this Act, continue to be in force until it is replaced by assessment made or tax levied by the successor Council in accordance with the provisions of this Act or till the 31st day of March, 1977, whichever is earlier:

Provided also that, no proceeding for the levy of any tax pending on the appointed day or commenced thereafter at any time before the rules under this Act are made by the State Government, whether completed before or after the commencement of such rules shall be void merely by reason of the fact that no rules had been made under this Act or the rates of tax adopted by any Council were different from those provided in such rules.]

(*j*) all budget estimates, assessments, assessment lists, valuations, measurements and divisions made by or in respect of an existing Council under any of the repealed laws or any other law for the time being in force in the area of such existing Council and in force immediately before the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made by, or in respect of, the successor Council for that area;

(*k*) any reference in any law or in any instrument to the provisions of any repealed law, shall, unless a different intention appears, be construed as a reference to the corresponding provisions of this Act;

(*l*) any reference in any law or in any instrument to an existing Council shall, unless a different intention appears, be construed as a reference to the successor Council and such law or instrument shall apply to the successor Council;

(*m*) any reference in the above paragraphs to an existing Council shall, in case such Council has been superseded or dissolved or is not otherwise functioning, be deemed to be a reference to the person or persons appointed to exercise the powers and discharge the duties and functions of such Council.

347. Provisions relating to officers and servants.— (*1*) All officers and servants in the employment of an existing Council immediately before the appointed day, shall be deemed to be transferred to the service of the successor Council and shall, until other provision is made by a competent authority, receive such salaries and allowances, pension, provident fund, gratuity and other retirement benefits and be subject to such other conditions of service, to which they were entitled immediately before the 26th day of March 1965:

Provided that, the conditions of service applicable immediately before that date to the case of any officer or servant so transferred to the service of the successor Council shall not be varied to his disadvantage except with the previous approval of the State Government:

Provided further that, nothing in this sub-section shall affect the powers of the successor Council to discontinue the service of any such officer or servant in accordance with the provisions of this Act.

(*2*) Any person who immediately before the appointed day was holding the post of,—

(*a*) the Chief Officer of any borough municipality under section 33 of the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925);

(*b*) the Chief Officer of any city municipality under sub-section (*1*) of section 182 of the Bombay District Municipal Act, 1901 (Bom. III of 1901);

(*c*) the Secretary of any district municipality or of a city municipality not falling under clause (*b*) under the Bombay District Municipal Act, 1901 (Bom. III of 1901); or

(*d*) the Secretary of any municipal committee under section 25 of the Central Provinces and Berar Municipalities Act, 1922 (C. P. and Berar II of 1922),

1 These two provisos were deemed always to have been inserted by Mah. 45 of 1975, s. 16.

shall, with effect from the appointed day, and subject to the provisions of sub-section (*1*), be deemed to be appointed the Chief Officer of the successor Council under section 75 of this Act:

[1][Provided that if immediately, before the appointed day, in any existing Council no such posts aforesaid exist or if no person holds any such post, the powers conferred and the duties and functions imposed and entrusted, to a Chief Officer by or under this Act shall, with effect from the appointed day until the successor Council appoints the Chief Officer under the said section 75, be exercised, performed and discharged by such officer of the Council or Government as the Collector may designate in this behalf.]

(*3*) Any person who immediately before the appointed day was holding the post of,—

(*i*) the Health Officer of any borough municipality under sub-section (*5*) of section 34 of the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925); or

(*ii*) the Health Officer of a municipal Committee under section 25-A of the Central Provinces and Berar Municipalities Act, 1922 (C. P. and Berar II of 1922), shall, with effect from the appointed day and subject to the provisions of sub-section (*1*), deemed to be appointed the Health Officer of the successor Council under section 75 of this Act.

(*4*) Any person who immediately before the appointed day was holding the post of the Engineer of any borough municipality under sub-section (*5*) of section 34 of the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), shall, with effect from the appointed day and subject to the provisions of sub-section (*1*), be deemed to be appointed the Municipal Engineer of the successor Council under section 75 of this Act.

348. Special provisions regarding existing member of Hyderabad Area Local Government Service.— (*1*) Every person who having been appointed under section 66 or section 67 of the Hyderabad District Municipalities Act, 1956 (Hyd. XVIII of 1956), to the Hyderabad Area Local Government Service continues on and after the appointed day to serve under the State Government shall be entitled to receive from the State Government the same conditions of service as respects remuneration, leave and pension and the same rights as respects disciplinary matters or rights as that person was entitled to immediately before the appointed day.

(*2*) The State Government may post from time to time to work under any successor Council in the Hyderabad area of the State such number of officers of the Hyderabad Area Local Government Service aforesaid as it considers necessary. Officers posted to work under a Council shall draw their pay and allowances from the municipal fund. When any such officer is posted to work under a Council, his services shall be taken over by the Council on such post and on such terms and conditions as the State Government may by general or special order determine.

349. Obligation to carry out certain duties and functions of existing Councils.—Notwithstanding anything contained in section 49, it shall be the duty of every successor Council to continue to carry out any duty or to manage, maintain or look after any institution, establishment, undertaking, measure, work or service, which the existing Council had been responsible for carrying out, managing, maintaining or looking after immediately before the appointed day, until the State Government by order relieves the successor Council of such duty or function.

350. [2][*Power to appoint Administrator if special meeting cannot be held on 1st January 1968 or, as the case may be, specified date to elect President and Vice-President*.]

351. Power to remove difficulty.— If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as the occasion requires, by order do anything which appears to it to be necessary for the purpose of removing the difficulty:

Provided that, no order shall be made under this section after the expiry of two years from the appointed day.

1 This proviso was added by Mah. 14 of 1966, s. 10.

2 Section 350 was deleted by Mah. 14 of 1966, s. 11.

Industrial Townships Act, 1965

[1][SCHEDULE I

(*See* sections 4 and 346)

(Municipal areas other than Nagar Panchayats and Industrial Townships)

Serial No. (1)	Name of smaller urban area (2)		Name of Municipal (3)	Name of Districts (4)
—A‖ Class				
1	Ambarnath smaller urban area	. .	Ambarnath Municipal Council	Thane
2	Bhivandi Nizampur smaller urban area	. .	Bhivandi-Nizampur Municipal Council	Thane
3	Mira-Bhyander smaller urban area	. .	Mira-Bhyander Municipal Council	Thane
4	Nalasopara smaller urban area	. .	Nalasopara Municipal Council	Thane
5	Navghar-Manikpur smaller urban area	. .	Navghar-Manikpur Municipal Council	Thane
6	Virar smaller urban area	. .	Virar Municipal Council	Thane
7	Panvel smaller urban area	. .	Panvel Municipal Council	Raigad
8	Malegaon smaller urban area	. .	Malegaon Municipal Council	Nashik
9	Dhule smaller urban area	. .	Dhule Municipal Council	Dhule
10	Jalgaon smaller urban area	. .	Jalgaon Municipal Council	Jalgaon
11	Bhusaval smaller urban area	. .	Bhusaval Municipal Council	Jalgaon
12	Ahmednagar smaller urban area	. .	Ahmednagar Municipal Council	Ahmednaga
13	Satara smaller urban area	. .	Satara Municipal Council	Satara
14	Barshi smaller urban area	. .	Barshi Municipal Council	Solapur
15	Ichalkaranji smaller urban area	. .	Ichalkaranji Municipal Council	Kolhapur
16	Jalna smaller urban area	. .	Jalna Municipal Council	Jalna
17	Parbhani smaller urban area	. .	Parbhani Municipal Council	Parbhani
18	Latur smaller urban area	. .	Latur Municipal Council	Latur
19	Beed smaller urban area	. .	Beed Municipal Council	Beed
20	Akola smaller urban area	. .	Akola Municipal Council	Akola
21	Achalapur smaller urban area	. .	Achalapur Municipal Council	Amravati
22	Yavatmal smaller urban area	. .	Yavatmal Municipal Council	Yavatmal
23	Wardha smaller urban area	. .	Wardha Municipal Council	Wardha
24	Gondia smaller urban area	. .	Gondia Municipal Council	Gondia
25	Chandrapur smaller urban area	. .	Chandrapur Municipal Council	Chandrapur

1 Schedule I was substituted by G.N., U.D.D. No. GEN.102001/CR-70/2001/U.D.16, dated the 10th September 2001.

—B‖ Class				
1	Dahanu smaller urban area	. .	Dahanu Municipal Council	Thane

2	Kulgaon smaller urban area	. .	Kulgaon Municipal Council	Thane
3	Palghar smaller urban area	. .	Palghar Municipal Council	Thane
4	Vasai smaller urban area	. .	Vasai Municipal Council	Thane
5	Khopoli smaller urban area	. .	Khopoli Municipal Council	Raigad
6	Chiplun smaller urban area	. .	Chiplun Municipal Council	Ratnagiri
7	Ratnagiri smaller urban area	. .	Ratnagiri Municipal Council	Ratnagiri
8	Manmad smaller urban area	. .	Manmad Municipal Council	Nashik
9	Yeola smaller urban area	. .	Yeola Municipal Council	Nashik
10	Nandurbar smaller urban area	. .	Nandurbar Municipal Council	Nandurbar
11	Shahada smaller urban area	. .	Shahada Municipal Council	Nandurbar
12	Dondaicha Varwade Smaller urban area	. .	Dondaicha Varwade Municipal Council	Dhule
13	Shirpur-Varwade smaller urban area	. .	Shirpur-Varwade Municipal Council	Dhule
14	Amalner smaller urban area	. .	Amalner Municipal Council	Jalgaon
15	Chalisgaon smaller urban area	. .	Chalisgaon Municipal Council	Jalgaon
16	Chopda smaller urban area	. .	Chopda Municipal Council	Jalgaon
17	Pachora smaller urban area	. .	Pachora Municipal Council	Jalgaon
18	Shrirampur smaller urban area	. .	Shrirampur Municipal Council	Ahmednagar
19	Sangamner smaller urban area	. .	Sangamner Municipal Council	Ahmednagar
20	Kopargaon smaller urban area	. .	Kopargaon Municipal Council	Ahmednagar
21	Baramati smaller urban area	. .	Baramati Municipal Council	Pune
22	Daund smaller urban area	. .	Daund Municipal Council	Pune
23	Lonavala smaller urban area	. .	Lonavala Municipal Council	Pune
24	Talegaon Dabhade smaller urban area	. .	Talegaon Dabhade Municipal Council	Pune
25	Karad smaller urban area	. .	Karad Municipal Council	Satara
26	Phaltan smaller urban area	. .	Phaltan Municipal Council	Satara
27	Islampur smaller urban area	. .	Islampur Municipal Council	Sangli
28	Vita smaller urban area	. .	Vita Municipal Council	Sangli
29	Pandharpur smaller urban area	. .	Pandharpur Municipal Council	Solapur
30	Jayasingpur smaller urban area	. .	Jaysingpur Municipal Council	Kolhapur
31	Silod smaller urban area	. .	Silod Municipal Council	Aurangabad
32	Gangakhed smaller urban area	. .	Gangakhed Municipal Council	Parbhani
33	Hingoli smaller urban area	. .	Hingoli Municipal Council	Hingoli
34	Basmathnagar smaller urban area	. .	Basmathnagar Municipal Council	Hingoli

35	Udgir smaller urban area	. .	Udgir Municipal Council	Latur
36	Osmanabad smaller urban area	. .	Osmanabad Municipal Council	Osmanabad
37	Ambejogai smaller urban area	. .	Ambejogai Municipal Council	Beed

38	Manjlegaon smaller urban area	. .	Manjlegaon Municipal Council	Beed
39	Parali Vaijanath smaller urban area	. .	Parali Vaijanath Municipal Council	Beed
40	Degloor smaller urban area	. .	Degloor Municipal Council	Nanded
41	Buldhana smaller urban area	. .	Buldhana Municipal Council	Buldhana
42	Chikhli smaller urban area	. .	Chikhli Municipal Council	Buldhana
43	Khamgaon smaller urban area	. .	Khamgaon Municipal Council	Buldhana
44	Malkapur smaller urban area	. .	Malkapur Municipal Council	Buldhana
45	Shegaon smaller urban area	. .	Shegaon Municipal Council	Buldhana
46	Akot smaller urban area	. .	Akot Municipal Council	Akola
47	Karanja smaller urban area	. .	Karanja Municipal Council	Washim
48	Washim smaller urban area	. .	Washim Municipal Council	Washim
49	Anjangaon-Surji smaller urban area	. .	Anjangaon-Surji Municipal Council	Amravati
50	Warud smaller urban area	. .	Warud Municipal Council	Amravati
51	Wani smaller urban area	. .	Wani Municipal Council	Yavatmal
52	Pusad smaller urban area	. .	Pusad Municipal Council	Yavatmal
53	Kamptee smaller urban area	. .	Kamptee Municipal Council	Nagpur
54	Umred smaller urban area	. .	Umred Municipal Council	Nagpur
55	Hinganghat smaller urban area	. .	Hinganghat Municipal Council	Wardha
56	Arvi smaller urban area	. .	Arvi Municipal Council	Wardha
57	Bhandara smaller urban area	. .	Bhandara Municipal Council	Bhandara
58	Tumsar smaller urban area	. .	Tumsar Municipal Council	Bhandara
59	Ballarpur smaller urban area	. .	Ballarpur Municipal Council	Chandrapur
60	Bhadravati smaller urban area	. .	Bhadravati Municipal Council	Chandrapur
61	Warora smaller urban area	. .	Warora Municipal Council	Chandrapur
62	Gadchiroli smaller urban area	. .	Gadchiroli Municipal Council	Gadchiroli
—C‖ Class				
1	Jawhar smaller urban area	. .	Jawhar Municipal Council	Thane
2	Alibag smaller urban area	. .	Alibag Municipal Council	Raigad
3	Mahad smaller urban area	. .	Mahad Municipal Council	Raigad
4	Pen smaller urban area	. .	Pen Municipal Council	Raigad
5	Roha smaller urban area	. .	Roha Municipal Council	Raigad
6	Uran smaller urban area	. .	Uran Municipal Council	Raigad

7	Murud Janjira smaller urban area	. .	Murud Janjira Municipal Council	Raigad
8	Shriwardhan smaller urban area	. .	Shriwardhan Municipal Council	Raigad
9	Matheran smaller urban area	. .	Matheran Municipal Council	Raigad
10	Karjat smaller urban area	. .	Karjat Municipal Council	Raigad
11	Khed smaller urban area	. .	Khed Municipal Council	Ratnagiri

12	Rajapur smaller urban area	. .	Rajapur Municipal Council	Ratnagiri
13	Malvan smaller urban area	. .	Malvan Municipal Council	Sindhudurg
14	Vengurla smaller urban area	. .	Vengurla Municipal Council	Sindhudurg
15	Sawantwadi smaller urban area	. .	Sawantwadi Municipal Council	Sindhudurg
16	Igatpuri smaller urban area	. .	Igatpuri Municipal Council	Nashik
17	Nandgaon smaller urban area	. .	Nandgaon Municipal Council	Nashik
18	Sinnar smaller urban area	. .	Sinnar Municipal Council	Nashik
19	Trimbak smaller urban area	. .	Trimbak Municipal Council	Nashik
20	Bhagur smaller urban area	. .	Bhagur Municipal Council	Nashik
21	Satana smaller urban area	. .	Satana Municipal Council	Nashik
22	Taloda smaller urban area	. .	Taloda Municipal Council	Nandurbar
23	Nawapur smaller urban area	. .	Nawapur Municipal Council	Nandurbar
24	Faizpur smaller urban area	. .	Faizpur Municipal Council	Jalgaon
25	Yawal smaller urban area	. .	Yawal Municipal Council	Jalgaon
26	Rawer smaller urban area	. .	Rawer Municipal Council	Jalgaon
27	Savda smaller urban area	. .	Savda Municipal Council	Jalgaon
28	Parola smaller urban area	. .	Parola Municipal Council	Jalgaon
29	Dharangaon smaller urban area	. .	Dharangaon Municipal Council	Jalgaon
30	Erandol smaller urban area	. .	Erandol Municipal Council	Jalgaon
[1][30-A	Jamner smaller urban area	. .	Jamner Municipal Council	Jalgaon]
31	Rahuri smaller urban area	. .	Rahuri Municipal Council	Ahmednagar
32	Deolali Pravara smaller urban area	. .	Deolali Pravara Municipal Council	Ahmednagar
33	Pathardi smaller urban area	. .	Pathardi Municipal Council	Ahmednagar
34	Rahata smaller urban area	. .	Rahata Municipal Council	Ahmednagar
35	Shrigonda smaller urban area	. .	Shrigonda Municipal Council	Ahmednagar
36	Saswad smaller urban area	. .	Saswad Municipal Council	Pune
37	Jejuri smaller urban area	. .	Jejuri Municipal Council	Pune
38	Indapur smaller urban area	. .	Indapur Municipal Council	Pune
39	Shirur smaller urban area	. .	Shirur Municipal Council	Pune
40	Alandi smaller urban area	. .	Alandi Municipal Council	Pune

1 Entry 30-A was inserted G.N., U.D.D., GEN – 102000/1653/CR-128/2000/UD-16, dated the 28th October 2002.

41	Junnar smaller urban area	. .	Junnar Municipal Council	Pune
42	Bhor smaller urban area	. .	Bhor Municipal Council	Pune
43	Rahimatpur smaller urban area	. .	Rahimatpur Municipal Council	Satara
44	Mahabaleshwar smaller urban area	. .	Mahabaleshwar Municipal Council	Satara
45	Mhaswad smaller urban area	. .	Mhaswad Municipal Council	Satara
46	Wai smaller urban area	. .	Wai Municipal Council	Satara

47	Panchgani smaller urban area	. .	Panchgani Municipal Council	Satara
48	Tasgaon smaller urban area	. .	Tasgaon Municipal Council	Sangali
49	Ashta smaller urban area	. .	Ashta Municipal Council	Sangali
50	Karmala smaller urban area	. .	Karmala Municipal Council	Solapur
51	Sangola smaller urban area	. .	Sangola Municipal Council	Solapur
52	Akkalkot smaller urban area	. .	Akkalkot Municipal Council	Solapur
53	Mangalwedha smaller urban area	. .	Mangalwedha Municipal Council	Solapur
54	Maindargi smaller urban area	. .	Maindargi Municipal Council	Solapur
55	Dudhani smaller urban area	. .	Dudhani Municipal Council	Solapur
56	Kurduwadi smaller urban area	. .	Kurduwadi Municipal Council	Solapur
57	Panhala smaller urban area	. .	Panhala Municipal Council	Solapur
58	Malkapur smaller urban area	. .	Malkapur Municipal Council	Kolhapur
59	Murgud smaller urban area	. .	Murgud Municipal Council	Kolhapur
60	Vadgaon smaller urban area	. .	Vadgaon Municipal Council	Kolhapur
61	Gadhinglaj smaller urban area	. .	Gadhinglaj Municipal Council	Kolhapur
62	Kurundwad smaller urban area	. .	Kurundwad Municipal Council	Kolhapur
63	Kagal smaller urban area	. .	Kagal Municipal Council	Kolhapur
64	Kannad smaller urban area	. .	Kannad Municipal Council	Aurangabad
65	Paithan smaller urban area	. .	Paithan Municipal Council	Aurangabad
66	Vaijapur smaller urban area	. .	Vaijapur Municipal Council	Aurangabad
67	Khuldabad smaller urban area	. .	Khuldabad Municipal Council	Aurangabad
68	Gangapur smaller urban area	. .	Gangapur Municipal Council	Aurangabad
69	Ambad smaller urban area	. .	Ambad Municipal Council	Jalna
70	Bhokardan smaller urban area	. .	Bhokardan Municipal Council	Jalna
71	Partur smaller urban area	. .	Partur Municipal Council	Jalna
72	Manwat smaller urban area	. .	Manwat Municipal Council	Parbhani
73	Sonpeth smaller urban area	. .	Sonpeth Municipal Council	Parbhani
74	Purna smaller urban area	. .	Purna Municipal Council	Parbhani
75	Sailu smaller urban area	. .	Sailu Municipal Council	Parbhani
76	Jintur smaller urban area	. .	Jintur Municipal Council	Parbhani
77	Pathri smaller urban area	. .	Pathri Municipal Council	Parbhani

78	Kallamnuri smaller urban area	. .	Kallamnuri Municipal Council	Hingoli
79	Billoli smaller urban area	. .	Billoli Municipal Council	Nanded
80	Umri smaller urban area	. .	Umri Municipal Council	Nanded
81	Mudkhed smaller urban area	. .	Mudkhed Municipal Council	Nanded
82	Kandhar smaller urban area	. .	Kandhar Municipal Council	Nanded
83	Hadgaon smaller urban area	. .	Hadgaon Municipal Council	Nanded
84	Dharmabad smaller urban area	. .	Dharmabad Municipal Council	Nanded

85	Kundalwadi smaller urban area	. .	Kundalwadi Municipal Council	Nanded
86	Mukhed smaller urban area	. .	Mukhed Municipal Council	Nanded
87	Kinwat smaller urban area	. .	Kinwat Municipal Council	Nanded
88	Loha smaller urban area	. .	Loha Municipal Council	Nanded
89	Ahmedpur smaller urban area	. .	Ahmedpur Municipal Council	Latur
90	Nilanga smaller urban area	. .	Nilanga Municipal Council	Latur
91	Ausa smaller urban area	. .	Ausa Municipal Council	Latur
92	Tuljapur smaller urban area	. .	Tuljapur Municipal Council	Osmanabad
93	Umerga smaller urban area	. .	Umerga Municipal Council	Osmanabad
94	Bhoom smaller urban area	. .	Bhoom Municipal Council	Osmanabad
95	Paranda smaller urban area	. .	Paranda Municipal Council	Osmanabad
96	Murum smaller urban area	. .	Murum Municipal Council	Osmanabad
97	Naldurg smaller urban area	. .	Naldurg Municipal Council	Osmanabad
98	Kallam smaller urban area	. .	Kallam Municipal Council	Osmanabad
99	Georai smaller urban area	. .	Georai Municipal Council	Beed
100	Dharur smaller urban area	. .	Dharur Municipal Council	Beed
101	Jalgaon Jamod smaller urban area	. .	Jalgaon Jamod Municipal Council	Buldhana
102	Mehkar smaller urban area	. .	Mehkar Municipal Council	Buldhana
103	Nandura smaller urban area	. .	Nandura Municipal Council	Buldhana
104	Deulgaon Raja smaller urban areas	. .	Deulgaon Raja Municipal Council	Buldhana
105	Lonar smaller urban area	. .	Lonar Municipal Council	Buldhana
106	Sindhkhed Raja smaller urban area	. .	Sindhkhed Raja Municipal Council	Buldhana
107	Murtizapur smaller urban area	. .	Murtizapur Municipal Council	Akola
108	Balapur smaller urban area	. .	Balapur Municipal Council	Akola
109	Telhara smaller urban area	. .	Telhara Municipal Council	Akola
110	Patur smaller urban area	. .	Patur Municipal Council	Akola
111	Mangrulpir smaller urban area	. .	Mangrulpir Municipal Council	Washim

112	Risod smaller urban area	. .	Risod Municipal Council	Washim
113	Morshi smaller urban area	. .	Morshi Municipal Council	Amravati
114	Daryapur smaller urban area	. .	Daryapur Municipal Council	Amravati
115	Chandur Railway smaller urban area	. .	Chandur Railway Municipal Council	Amravati
116	Chandur Bazar smaller urban area	. .	Chandur Bazar Municipal Council	Amravati
117	Dhamangaon smaller urban area	. .	Dhamangaon Municipal Council	Amravati
118	Shendurjana smaller urban area	. .	Shendurjana Municipal Council	Amravati

119	Chikhaldara smaller urban area	. .	Chikhaldara Municipal Council	Amravati
120	Digras smaller urban area	. .	Digras Municipal Council	Yavatmal
121	Darwha smaller urban area	. .	Darwha Municipal Council	Yavatmal
122	Pandharkawada smaller urban area	. .	Pandharkawada Municipal	Yavatmal
123	Umarkhed smaller urban area	. .	Umarkhed Municipal Council	Yavatmal
124	Ghatanji smaller urban area	. .	Ghatanji Municipal Council	Yavatmal
125	Ramtek smaller urban area	. .	Ramtek Municipal Council	Nagpur
126	Khapa smaller urban area	. .	Khapa Municipal Council	Nagpur
127	Kalmeshwar smaller urban area	. .	Kalmeshwar Municipal Council	Nagpur
128	Mowad smaller urban area	. .	Mowad Municipal Council	Nagpur
129	Saoner smaller urban area	. .	Saoner Municipal Council	Nagpur
130	Katol smaller urban area	. .	Katol Municipal Council	Nagpur
131	Narkhed smaller urban area	. .	Narkhed Municipal Council	Nagpur
132	Mohpa smaller urban area	. .	Mohpa Municipal Council	Nagpur
133	Pulgaon smaller urban area	. .	Pulgaon Municipal Council	Wardha
134	Deoli smaller urban area	. .	Deoli Municipal Council	Wardha
135	Sindi smaller urban area	. .	Sindi Municipal Council	Wardha
136	Paoni smaller urban area	. .	Paoni Municipal Council	Bhandara
137	Tirora smaller urban area	. .	Tirora Municipal Council	Gondia
138	Rajura smaller urban area	. .	Rajura Municipal Council	Chandrapur
139	Mul smaller urban area	. .	Mul Municipal Council	Chandrapur
140	Brahmapuri smaller urban area	. .	Bramhapuri Municipal Council	Chandrapur
141	Desaiganj smaller urban area	. .	Desaiganj Municipal Council	Gadchiroli

[1][SCHEDULE IA

(*See* section 100A)

Application of the Bombay Government Premises (Eviction) Act, 1955 (Bom. II of 1956) and the rules made thereunder from time to time, to municipal premises in specified municipal areas in the State, with certain modifications.

With effect from such date and in such municipal areas as the State Government may by notification in the *Official Gazette*, from time to time, specify, under section 100A, the Bombay Government Premises (Eviction) Act, 1955 (Bom. II of 1956) and the rules made thereunder, from time to time, shall, *mutatis mutandis*, apply to municipal premises in the said municipal areas, subject to the following modifications, namely :—

1. In section 2, after clause (*a*), there shall be inserted the following clause, namely :—

―(*aa*) ―Municipal Council‖ or ―Council‖ means a Municipal Council constituted or deemed to be constituted under the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965) and which is specified under section 100A of that Act, and ―municipal premises‖ means any premises belonging to or taken on lease by or on behalf of such Council‖;

2. For section 3, there shall be substituted, the following section, namely :—

—3. The State Government may, by notification in the *Official Gazette*, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of Deputy Collector or Executive Engineer,

to be a competent authority for the purposes of this Act for such municipal areas or parts thereof and for all or any classes of municipal premises therein as may be specified in such notification, and more than one officer may be appointed as competent authority in the same area in respect of all municipal premises or different classes of municipal premises in that area.‖

3. In the Act, except in section 3 and 12, and in the rules made under the Act, references to —the State Government‖ and —Government‖ shall be deemed to be references to —the Municipal Council‖ and references to —Government premises‖ shall be deemed to be references to —municipal premises‖.]

1 Schedule IA was inserted by Mah. 11 of 1993, s. 12.

SCHEDULE II

(*See* section 130)

Form of Notice of Transfer to be given when the Transfer has been effected by Instrument.

To,
THE CHIEF OFFICER,
Council.

I, A.B., hereby give notice as required by section 130 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, of the following transfer of property :—

Date of Notice.	Date of Instrument.	Name of vendor or assignor.	Name of purchaser or assignee.	Amount of consideration.	DESCRIPTION OF THE PROPERTY						If any instrument has been registered, the date of registration.	Remarks.
					Of what it consists.	Situation.	Number in Assessment Book.	Chief Officer' s No.	Dimensions of land.	Boundaries.		

Dated .....

(Signed).....

SCHEDULE III

(*See* section 130)

Form of Notice of Transfer to be given when the Transfer has taken place otherwise than by Instrument.

To,

THE CHIEF OFFICER,

Council.

I, A.B., hereby give notice as required by section 130 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, of the following transfer of property :—

Date of Notice.	Name in which the property is at present entered in the Chief Officer's record.	To whom it is to be transfered.	Of what it consists.	DESCRIPTION OF THE PROPERTY					
				Situation	Number in Assessment book.	Chief Officer's No.	Dimensions of Land.	Boundaries.	Remarks.

Dated .....

(Signed).....

SCHEDULE IV

[Deleted by Mah. 10 of 2010, s. 110.]

SCHEDULE V

(*See* section 152)

Form of Warrant.

.....

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B. of, _____ has not paid [1][* * *] the sum of _____ due for the tax* (Here describe the tax.) mentioned in the margin for the period _____ commencing on the _____ day of _____ 19 , and ending with the _____

day _____ of _____ 19, and leviable under rule by law No. _____ .

And whereas [2][the sum so due has not been paid by the date specified in the bill presented to him for the same;]

This is to command you to ———subject to the provisions of section 152 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 distrained / attached the goods and chattles / any property of the said A.B. to the amount of ..... being the amount due from him as follows :—

	Rs.	P.
On account of the said tax . .		
For service of notice . .		
For issue of warrant . .		

and forthwith to certify to me together with this warrant all particulars of the goods distrained / property attached by you thereunder.

Dated this day of 19.

(Signed) .....

Chief Officer.

1 The words ―and has not shown satisfactory cause for the non-payment of‖ were deleted by Mah. 10 of 2010, s. 111 (*1*). 2 These words were substituted for the portion beginning with the words ―fifteen days‖ and ending with the words ―the same‖ by Mah. 10 of 2010, s. 111.

SCHEDULE VI

[*See* clause (*c*) of section 155 and sub-section (*1*) of section 141]

Form of Inventory and Notice.

To

A.B. ..... residing at ..... Take a notice that I have this day the goods and chattels / property specified in the inventory beneath this, for the value of ..... due for the tax* (Here describe the tax.) mentioned in the margin for the period commencing with the ..... day of ..... 19, and ending with the ..... day of ..... 19....., together with Rs..... due as for service of notice [1][* *] and Rs. ..... due as for issue of warrant and that unless within five days from the day of the date of this notice you pay into the municipal office at ..... the said amount together with the costs of recovery, the said goods and chattles / property will be sold.

Dated this day of 19

Inventory.

Signature of Officer executing the warrant.

(Here state particulars of ——————— seized) goods and chattle / property

1 The words ―of demand‖ were deleted by Mah. 10 of 2010, s. 112.

SCHEDULE VII

(*See* section 280)

Purposes for which any premises shall not be used without a licence.

(1) for boiling or storing offal, blood, bones or rags,

(2) for salting, curing or storing fish,

(3) for tanning,

(4) for the manufacture of leather or leather goods,

(5) for dyeing,

(6) for melting tallow or sulphur,

(7) for washing or drying wool or hair,

(8) for manufacturing or preparing, by any process whatever, bricks, pottery or lime,

(9) for soap making,

(10) for oil-boiling or oil extracting,

(11) as a manufactory of sago,

(12) as a distillery,

(13) as a manufactory of snuff,

(14) for manufacturing fire-works,

(15) as a hair dressing saloon or a barber‘s shop or *hamamkhana*.

(16) as a manufactory or place of business of any other kind, from which offensive of unwholesome smells arise or which may involve the risk of fire and is or is likely to become by reasons of such use and of its situation a nuisance to the neighbourhood.

Explanation.— For the purpose of item (16), nuisance shall include any contamination of the atmosphere whereby a deposit of soot is caused or any mechanical noise.

SCHEDULE VIII

[*See* sub-section (*1*) of section 281]

Articles which shall not be kept in or upon any premises without a licence.

(1) dynamite,

(2) blasting powder,

(3) fulminate of mercury,

(4) gun-cotton or gun powder,

(5) nitro-glycerine,

(6) phosphorus.

SCHEDULE IX

[*See* sub-section (*2*) of section 281]

PART I

Articles which shall not be kept without a licence in or upon any premises in quantities exceeding at any one time the respective maximum quantities hereunder specified opposite such articles.

Article		Maximum quantity which may be kept at any one time without a licence.		
(1)	Bamboos	. .	. .	500 kg.
(2)	Bidi leaves	. .	. .	50 kg.
(3)	Camphor	. .	. .	2 kg.
(4)	Celluloid	. .	. .	25 kg.
(5)	Celluloid goods	. .	. .	
(6)	Cinematograph film	. .	. .	1 kg.
(7)	Copra	. .	. .	50 kg.
(8)	Cotton refuse and waste	. .	. .	50 kg.
(9)	Cotton seed	. .	. .	200 kg.
(10)	Dry leaves (Patravali, etc.)	. .	. .	25 kg.
(11)	Fish (dried)	. .	. .	500 kg.
(12)	Gun-powder	. .	. .	500 gms.
(13)	Matches for lighting	. .	. .	1 gross boxes.
(14)	Methylated spirit and denatured spirit.	. .	. .	5 litres.
(15)	Paints	. .	. .	50 kg.
(16)	Petroleum as defined in the Petroleum Act, 1934	. .	. .	25 litres.
(17)	Oil (other sorts)	. .	. .	25 litre.
(18)	Oil seeds other than cotton seed	. .	. .	500 kg.
(19)	Oil paper (waste) including newspapers, periodicals, magazines, etc.	. .	. .	50 kg.

Article		Maximum quantity which may be kept at any one time without a licence.		
(20)	Rags	..	..	500 kg.
(21)	Sulphur	..	..	2 kg.
(22)	Tat, pitch, dammer or bitumen	..	..	5 kg.
(23)	Turpentine	..	..	5 liters.
(24)	Varnish	..	..	10 liters.
(25)	Wool (raw)	..	..	50 kg.

PART II

Articles which shall not be kept without a licence in or upon any premises for sale or for purposes other than domestic use.

(1) Bones.
(2) Coconut fibre.
(3) Charcoal.
(4) Coal.
(5) Coke.
(6) Fat.
(7) Firewood.
(8) Fireworks.
(9) Grass (Dry).
(10) Gunny bags.
(11) Hair.
(12) Hay and fodder.
(13) Hemp.
(14) Hessain cloth (Gunny bag cloth).
(15) Hides (dried).
(16) Hides (raw).
(17) Hoofs.
(18) Horns.
(19) Khokas or wooden boxes or barrels (manufacturing and storing).
(20) Skins.
(21) Timber.