



# महाराष्ट्र शासन राजपत्र

असाधारण  
प्राधिकृत प्रकाशन

बुधवार, मार्च १४, २००७/फाल्गुन २३, १९२८

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

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Amendment) Bill, 2007 (L. A. Bill VIII of 2007), introduced in the Maharashtra Legislative Assembly on the 14th March 2007, is hereby published under the authority of the Governor.

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

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

### L. A. BILL No. VIII OF 2007.

#### A BILL

*further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.*

WHEREAS both Houses of the State Legislature were not in session ;  
AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 2007, on the 27th February 2007 ;

Bom.  
III of  
1888.  
Bom. LIX  
of 1949.  
C. P. and  
Berar II  
of 1950.  
Mah. Ord.  
II of 2007.

(७४)

[किंमत : रुपये १.००]

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

CHAPTER I  
PRELIMINARY

Short title  
and com-  
mencement.

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

(2) It shall be deemed to have come into force on the 27th February 2007.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amend-  
ment of  
section 45 of  
Bom. III of  
1888.

2. In section 45 of the Mumbai Municipal Corporation Act (herein- Bom. III of 1888.  
after referred to as "the Mumbai Corporation Act"), in clause (c), in the proviso,—

(i) for the word "re-elected" the word "re-appointed" shall be substituted;

(ii) for the word "re-election" the word "re-appointment" shall be substituted.

Amend-  
ment of  
section 50 of  
Bom. III of  
1888.

3. In section 50 of the Mumbai Corporation Act, in sub-section (4), in clause (c), in the proviso,—

(i) for the word "re-elected" the word "re-appointed" shall be substituted;

(ii) for the word "re-election" the word "re-appointment" shall be substituted.

Amend-  
ment of  
section 50L  
of Bom. III of  
1888.

4. In section 50L of the Mumbai Corporation Act, in sub-section (2), for the word "re-election" the word "re-appointment" shall be substituted.

Amendment  
of section  
50S of  
Bom. III  
of 1888.

5. Section 50S of the Mumbai Corporation Act shall be renumbered as sub-section (1) thereof; and

(a) in sub-section (1) as so re-numbered, for the portion beginning with the words "shall be made" and ending with the words "holding such elections:—", the following shall be substituted, namely :—

"shall be made by the Corporation by nominating Councillors in accordance with the provisions of sub-section (2) :—";

(b) after sub-section (1) as so re-numbered, the following sub-sections shall be added, namely :—

"(2) In nominating the Councillors on the Committee, the Corporation shall take into account the relative strength of the 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 Corporation, after consulting the Leader of the House, the Leader of Opposition and the leader of each such party or group :

Provided that, nothing contained in this sub-section be construed as preventing the Corporation from nominating on the Committee any member not belonging to any such party or group :

Mah.  
XX of  
1987.

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of 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 registered pre-poll *aghadi* or front.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final."

### CHAPTER III

#### AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Bom.  
LIX  
of  
1949.

6. After section 31 of the Bombay Provincial Municipal Corporations Act, 1949, the following section shall be inserted, namely :—

Insertion of  
section 31A  
in Bom.  
LIX of 1949.

"31A. (1) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, in the case of the following Committees, except where it is provided by this Act, that the appointment of a Councillor to any Committee shall be by virtue of his holding any office, appointment of Councillors to these Committees, whether in regular or casual vacancies, shall be made by the Corporation by nominating Councillors in accordance with the provisions of sub-section (2) :—

Appointment  
by nomina-  
tion on  
Committees  
to be by  
proportional  
representa-  
tion.

- (a) Standing Committee ;
- (b) Transport Committee ;
- (c) Any special Committee appointed under section 30 ;
- (d) Any *ad hoc* Committee appointed under section 31.

(2) In nominating the Councillors on the Committee, the Corporation shall take into account the relative strength of the 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 Corporation, after consulting the Leader of the House, the Leader of Opposition and the leader of each such party or group :

Provided that, nothing contained in this sub-section be construed as preventing the Corporation from nominating on the Committee any member not belonging to any such party or group :

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of 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 registered pre-poll *aghadi* or front.

Mah.  
XX of  
1987.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final."

#### CHAPTER IV

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

- |   |  |                            |
|---|--|----------------------------|
| Amendment of section 34 of C.P. and Berar II of 1950. | <p>7. In section 34 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"),—</p> <p>(1) in sub-section (1), for the word "elect" the word "appoint" shall be substituted;</p> <p>(2) in sub-section (2), for the word "re-election" the word "re-appointment" shall be substituted;</p> <p>(3) in the marginal note, for the word "Election" the word "Appointment" shall be substituted.</p> | C.P. and Berar II of 1950. |
| Amendment of section 36 of C.P. and Berar II of 1950. | <p>8. In section 36 of the Nagpur Corporation Act, for the word "re-election" the word "re-appointment" shall be substituted.</p>  |                            |
| Amendment of section 37 of C.P. and Berar II of 1950. | <p>9. In section 37 of the Nagpur Corporation Act, —</p> <p>(1) for the word "elect" the word "appoint" shall be substituted;</p> <p>(2) for the word "<del>elect</del>" the word "<del>appointed</del>" shall be substituted.</p>   |                            |
| Amendment of section 39 of C.P. and Berar II of 1950. | <p>10. In section 39 of the Nagpur Corporation Act,—</p> <p>(1) in sub-section (3), for the word "elect" the word "appoint" shall be substituted;</p> <p>(2) in sub-section (4), for the word "elect" the word "appoint" shall be substituted;</p>   |                            |

(3) in the marginal note, for the word "election" the word "appointment" shall be substituted.

11. In section 40 of the Nagpur Corporation Act,—

(1) for the word "elect" the word "appoint" shall be substituted ;

(2) in the marginal note, for the word "Election" the word "Appointment" shall be substituted.

Amendment  
of section  
40 of C.P.  
and Berar  
II of 1950.

12. After section 40 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of  
section 40A  
in C.P. and  
Berar II of  
1950.

"40A. (1) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, in the case of the following Committees, except where it is provided by this Act, that the appointment of a Councillor to any Committee shall be by virtue of his holding any office, appointment of Councillors to these Committees, whether in regular or casual vacancies, shall be made by the Corporation by nominating Councillors in accordance with the provisions of sub-section (2) :—

Appoint-  
ment by  
nomination  
on Commit-  
tees to be  
by propor-  
tional  
representa-  
tion.

(a) Standing Committee ;

(b) Special Consultative Committees appointed under sections 39 and 40.

(2) In nominating the Councillors on the Committee, the Corporation shall take into account the relative strength of the 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 Corporation, after consulting the Leader of the House, the Leader of Opposition and the leader of each such party or group :

Provided that, nothing contained in this sub-section be construed as preventing the Corporation from nominating on the Committee any member not belonging to any such party or group :

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of 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 registered pre-poll *aghadi* or front.

Mah.  
XX of  
1987.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final."

Repeal of Mah. Ord. II of 2007 and saving. **13.** (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2007, is hereby repealed. Mah. Ord. II of 2007.

(2) Notwithstanding such repeal, anything done or any action taken under the Mumbai Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 or the Nagpur Corporation Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant Act, as amended by this Act. Bom. LIX of 1949.

## STATEMENT OF OBJECTS AND REASONS

The Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, provide for the constitution of the Standing Committee and the Subjects Committees. The members of these Committees were appointed by election by the Corporations.

2. The members of the various Committees of the Maharashtra Legislature are nominated taking into account the relative strength of the recognised parties or groups in proportion to the strength of such parties and groups in both Houses of the State Legislature. This ensures adequate representation to all the recognised parties and groups in the State Legislature.

3. To ensure that all the recognised parties and groups in the Corporation are adequately represented in the Committees constituted under the Corporations Acts, the Government considered it expedient to amend these Acts to provide for the nomination of members of the Committees in proportion to the strength of the political parties or groups in the Corporation.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that the circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes aforesaid, the Maharashtra Municipal Corporations (Amendment) Ordinance, 2007 (Mah. Ord. II of 2007), was promulgated by the Governor of Maharashtra on the 27th February 2007.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,  
Dated the 13th March 2007.

VILASRAO DESHMUKH,  
Chief Minister.