



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष २, अंक ११ (४)]

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

[पृष्ठे ५, किंमत : रुपये ३६.]

असाधारण क्रमांक २४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद)

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 19th July 2016 is published under Rule 117 of the Maharashtra Legislative Assembly Rules

L. A. BILL No. XXVII OF 2016.

A BILL

further to amend the Maharashtra Municipal Corporations Act.

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 Maharashtra Municipal Corporations Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 2016, on 16th June 2016 ;

LIX of
1949.
Mah.
Ord.
XII of
2016.

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

CHAPTER I

PRELIMINARY

Short title and commencement. **1.** (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2016.

(2) It shall be deemed to have come into force on the 16th June 2016.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment of section 5 of LIX of 1949. **2.** In section 5 of the Maharashtra Municipal Corporations Act (hereinafter, in this Act, referred to as “the Municipal Corporations Act”), in sub-section (2), in clause (a), in the Table,—

LIX
1949

(a) in entry (iii), in column (2), for the words and figures “shall not exceed 145.” the words and figures “shall not exceed 151.” shall be substituted;

(b) for entry (iv), the following entries shall be substituted, namely :—

“(iv) Above 24 lakhs and upto 30 lakhs

The minimum number of elected Councillors shall be 151.

For every additional population of 50,000 above 24 lakhs, one additional Councillor shall be provided, so however that the maximum number of elected councillors shall not exceed 161.

(v) Above 30 Lakhs

The minimum number of elected Councillors shall be 161.

For every additional population of 1 lakh above 30 lakhs, one additional Councillor shall be provided, so however that the maximum number of elected Councillors shall not exceed 175.”.

CHAPTER III

MISCELLANEOUS

Power to remove difficulty. **3.** (1) If any difficulty arises in giving effect to the provisions of the Municipal Corporations Act, 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 said 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 made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah.
Ord.
XII of
2016.

4. (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2016, is hereby repealed.

Repeal of M
Ord. XII of
2016 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Municipal Corporations Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the Municipal Corporations Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

Section 5 of the Maharashtra Municipal Corporations Act (LIX of 1949) provides for constitution of the Corporation consisting of elected as well as nominated Councillors. Clause (a) of sub-section (2) of the said section 5 provides for the proportion for specifying the number of Councillors to be elected on the basis of population of the respective Corporations.

Sub-section (4) of the said section 5 provides that, where the area of the City has been extended after the general elections, an election to provide for representation to the people of the extended area may be held as soon as practicable. The first proviso to the said sub-section (4) provides that the total number of wards in the City including the wards newly constituted for the extended area under that sub-section shall not exceed the number of electoral wards specified in the Table in clause (a) of sub-section (2). The second proviso to the said sub-section (4) provides that the population of the wards newly constituted under sub-section (4) may marginally exceed or be below the average of the other wards.

2. As per the then provisions which were obtaining in the Table in clause (a) of sub-section (2), for the population of above 24 lakhs, the minimum number of Councillors to be elected was 145. The said Table also provided that, for every additional population of 1 lakh above 24 lakhs, there used to be one additional councillor, subject to the maximum number of elected councillors being fixed at 221.

3. It had been brought to the notice of Government that, in certain cases, though the area of the Municipal Corporation was extended by inclusion of additional areas, such extended areas of the Corporation were not being represented by the elected Councillors, as the said Table provided that where the population of the Corporation exceeds 24 lakhs, there used to be one additional Councillor for population of every 1 lakh, exceeding 24 lakhs. Thus, in certain cases, such extended areas of such Corporation was to remain unrepresented.

4. To remove that anomaly, it was proposed to lower the prescribed quantum of population for additional Councillor, in respect of Corporations having population above 24 lakhs, and accordingly, it was also proposed to revise the minimum and maximum numbers of elected Councillors and ratio of population for increase in the number of elected Councillors of the Corporation. Such provisions would also ensure that the majority of the population of the extended areas are being represented in the Corporation. It was, therefore, proposed to amend section 5 of the Maharashtra Municipal Corporations Act, suitably.

5. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Corporations Act (LIX of 1949), for the purposes aforesaid, the Maharashtra Municipal Corporation (Amendment) Ordinance, 2016 (Mah. Ord. XII of 2016), was promulgated by the Governor of Maharashtra on the 16th June 2016.

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

Mumbai,
Dated 16th July 2016.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 3.—Under this clause, power is taken to the State Government to issue an order for removing any difficulty, which may arise in giving effect to the provisions of the Maharashtra Municipal Corporations Act, as amended, by this Act, within a period of two years from the date of commencement.

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

Vidhan Bhavan :
Mumbai,
dated the 19th July 2016.

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.