



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक १०(२)]

सोमवार, मार्च ७, २०२२/फाल्गुन १६, शके १९४३

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असाधारण क्रमांक २६

प्राधिकृत प्रकाशन

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

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Amendment) Bill, 2022 (L. A. Bill No IV of 2022), introduced in the Maharashtra Legislative Assembly on the 7th March 2022, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
I/c. Secretary (Legislation) to Government
Law and Judiciary Department.

L. A. BILL No. IV OF 2022.

A BILL

further to amend the Mumbai Municipal Corporation 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 Mumbai Municipal Corporation Act, for the purposes hereinafter appearing ; and therefore, promulgated the Mumbai Municipal Corporation (Amendment) Ordinance, 2022 on the 17th February 2022 ;

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

Short title and commencement.

1. (1) This Act may be called the Mumbai Municipal Corporation (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 17th February 2022.

Insertion of section 6C in III of 1888.

2. After section 6B of the Mumbai Municipal Corporation Act III of 1888. (hereinafter referred to as “ the principal Act ”), the following section shall be inserted, namely :—

Appointment of Administrator.

“6C. (1) Notwithstanding anything contained in this Act, the State Election Commission has brought to the notice of the State Government that, it is not possible for it to conduct the general election to the corporation, due to COVID-19 pandemic situation in the State, therefore, the State Government may, by an order, appoint any Government Officer as an Administrator for such period as may be specified therein, for exercising all the powers and performing all the functions and duties of the corporation under the Act :

Provided that, the Administrator shall hold office until the first meeting of the corporation after the general election.

(2) The Administrator appointed under sub-section (1) shall receive such pay and allowances as may be determined, from time to time, by the State Government from the Municipal funds.”.

Repeal of Mah. Ord. II of 2022 and saving.

3. (1) The Mumbai Municipal Corporation (Amendment) Ordinance, 2022 is hereby repealed.

Mah. Ord. II of 2022.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal 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 principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The number of councillors of the Mumbai Municipal Corporation has been increased from 227 to 236 by the Mumbai Municipal Corporation (Second Amendment) Act, 2021 (Mah. II of 2022). The work of boundaries demarcation and ward delimitation is under process by the corporation. As per the existing provisions of the Mumbai Municipal Corporation Act (III of 1888), the existing term of the corporation will be expired on the 7th March 2022. The State Election Commission has communicated to the State Government that due to COVID-19 Pandemic situation in the State, changing of OBC reservation in the corporation due to order of the Hon'ble Supreme Court and the work of boundaries demarcation and ward delimitation of the corporation is in process, therefore, it was not possible for the State Election Commission to conduct the general election of the Mumbai Municipal Corporation in time and, therefore, requested the Government to appoint the Administrator on the corporation after the expiry of the term of the corporation.

2. It was, therefore, considered expedient to make suitable provision in the Mumbai Municipal Corporation Act, so as to appoint any Government officer as an administrator, to exercise all the powers and perform all the functions and duties of the Mumbai Municipal Corporation, by inserting new section 6C in the said Act.

3. 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 Mumbai Municipal Corporation Act (III of 1888), for the purposes aforesaid, the Mumbai Municipal Corporation (Amendment) Ordinance, 2022 (Mah. Ord. II of 2022), was promulgated by the Governor of Maharashtra on the 17th February 2022.

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

Mumbai,
Dated the 4th March 2022.

EKNATH SHINDE,
Minister for Urban Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 2.—Under this clause, which seeks to insert section 6C in the Mumbai Municipal Corporation Act, power is taken to the State Government to appoint, by an order, any Government officer as an Administrator for such period as may be specified therein, for exercising all the powers and perform all the functions and duties of the corporation under the said Act.

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