



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक १०(३)]

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

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असाधारण क्रमांक २७

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 Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2022 (L. A. Bill No. V 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. V OF 2022.

A BILL

further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

III of 1888. LIX of 1949. Mah. XL of 1965. Whereas, it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. This Act may be called the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022. Short title.

CHAPTER II

AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amend- 2. In section 19 of the Mumbai Municipal Corporation Act, in III of
ment of sub-section (1), in clause (a), for the words "State Election 1888.
section 19 Commissioner", at both the places where they occur, the words
of III of "State Government" shall be substituted.
1888.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amend- 3. In section 5 of the Maharashtra Municipal Corporations Act, LIX of
ment of in sub-section (3), for the words "State Election Commissioner" at 1949.
section 5 of both the places where they occur, the words "State Government"
LIX of both the places where they occur, the words "State Government"
1949. shall be substituted.

CHAPTER IV

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

Amend- 4. In section 10 of the Maharashtra Municipal Councils, *Nagar* Mah.
ment of *Panchayats* and Industrial Townships Act, 1965, for sub-section (1), XL of
section 10 the following sub-section shall be substituted, namely :— 1965.
of Mah. XL
of 1965.

(1) Subject to the provisions of section 9,-

(a) the State Government shall, 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 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 at least 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 belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Class of Citizens). The State Election Commissioner shall, while passing any such order for subsequent general elections, ensure that 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 at least 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.

CHAPTER V

MISCELLANEOUS

- III 5. Notwithstanding anything contained in the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the said Acts”) and the rules made thereunder, where the process to divide the area of Municipal Corporations, 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 and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 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.
- Annulment of process to divide area of Municipal Corporations, Municipal Councils and *Nagar Panchayats* in wards.

STATEMENT OF OBJECTS AND REASONS

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), contains various provisions for conduct of elections to the Municipal Corporations, Municipal Councils and *Nagar Panchayats*.

2. Sub-section (1) of section 19 of the Mumbai Municipal Corporation Act, sub-section (3) of section 5 of the Maharashtra Municipal Corporations Act and sub-section (1) of section 10 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 provides that for the purpose of elections to the said local authorities, the State Election Commissioner shall divide the area of the Municipal Corporations, Municipal Councils and *Nagar Panchayats* into wards and specify the boundaries thereof.

3. The Government has, recently, increased number of directly elected councillors at ward elections in the Municipal Corporation of *Brihan* Mumbai by the Mah. Act No. II of 2022 and in the Municipal Corporations, Municipal Councils and *Nagar Panchayats* in the State of Maharashtra by the Mah. Act No. XII of 2022. The Government has also brought multi-member ward system in the Municipal Corporations by Mah. Act No. I of 2022 and in the Municipal Councils and *Nagar Panchayats* by Mah. Act No. X of 2022. In order to bring smoothness and parity with the said policy decisions of the Government, the Government considers it necessary to take power with the State Government to divide the area of said local authorities into wards and to specify boundaries thereof.

It is also proposed to annul the process, to divide the area of said local authorities into wards and to specify the boundaries thereof, which has started or completed by the State Election Commissioner before the commencement of the proposed amendments.

4. Therefore, it is considered expedient to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, suitably.

5. The Bill seeks to achieve the above objectives.

Mumbai,
dated the 5th March 2022.

EKNATH SHINDE,
Minister for Urban
Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :-

Clause 4.- under this clause, which seeks to substitute sub-section (1) of section 10 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965,-

(a) in clause (a), power is taken to the State Government to fix, for each municipal area, the number and the extent of the wards into which such area shall be divided, by an order published in the *Official Gazette* ;

(b) in clause (b), power is taken to the State Election Commissioner to specify the wards in which seats are reserved for the Scheduled Castes, the Scheduled Tribes, the Backward Class of Citizens and Women, by an order published in the *Official Gazette*.

2. The above mentioned proposals for delegation of legislative power are of normal character.