



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

मंगळवार, फेब्रुवारी २७, २००७/फाल्गुन ८, शके 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) Ordinance, 2007 (Mah. Ord. II of 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.

(Translation in English of the Maharashtra Municipal Corporations (Amendment) Ordinance, 2007 (Mah. Ord. II of 2007), published under the authority of the Governor.)

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 27th February 2007.

MAHARASHTRA ORDINANCE No. II OF 2007.

AN ORDINANCE

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 are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render 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 ;

Bom.
III of
1888.
Bom.
LIX of
1949.

(६७)

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

C.P.
and
Berar
II of
1950.

CHAPTER I PRELIMINARY

Short title
and com-
mencement.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations (Amendment) Ordinance, 2007.
- (2) It shall come into force at once.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

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

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

Bom.
III of
1888.

- (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.

Ammend-
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.

Ammend-
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 Corpora-
tion 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 nomination on Committees to be by proportional representation.

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

(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) :—

Appointment by nomination on Committees to be by proportional representation.

(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.

(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."

STATEMENT

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 are 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 considers 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 are not in session and the Governor of Maharashtra is satisfied that the circumstances exist which render 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, this Ordinance is promulgated.

Mumbai,
Dated the 26th February 2007.

S. M. KRISHNA,
Governor of Maharashtra.

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

DR. J. M. PHATAK,
Principal Secretary to Government.