



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ३० |

शुक्रवार, जुलै ३१, २००९/श्रावण ९, शके १९३१

[पृष्ठे ५, किंमत : रुपये २०.००

असाधारण क्र. ५७

प्राधिकृत प्रकाशन

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 and Municipal Councils Temporary Postponement of Elections (of the Mayors and the Deputy Mayors of certain Municipal Corporations and the Presidents and the Vice-Presidents of certain Municipal Councils due to ensuing general elections to the State Legislative Assembly) Ordinance, 2009 (Mah. Ord. XI of 2009), is hereby published under the authority of the Governor.

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Municipal Corporations and Municipal Councils Temporary Postponement of Elections (of the Mayors and the Deputy Mayors of certain Municipal Corporations and the Presidents and the Vice-Presidents of certain Municipal Councils due to ensuing general elections to the State Legislative Assembly) Ordinance, 2009 (Mah. Ord. XI of 2009), published under the authority of the Governor.]

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 31st July 2009.

MAHARASHTRA ORDINANCE No. XI OF 2009.

AN ORDINANCE

to provide for temporary postponement of elections of the Mayor and the Deputy Mayor of certain Municipal Corporations and the President and Vice-President of certain Municipal Councils temporarily on account of ensuing general elections to the State Legislative Assembly.

WHEREAS general elections to the State Legislative Assembly are likely to be held sometime in the month of October 2009;

(१)

AND WHEREAS the term of the offices of the Mayor and the Deputy Mayor of certain Municipal Corporations and the President and the Vice-President of certain Municipal Councils are also due to expire in the months of August, September and October 2009 ;

AND WHEREAS on account of ensuing general elections to the Maharashtra Legislative Assembly, all the Officers and staff of the Collectors of the Districts as well as the police personnel in the Districts are busy with the preparation for the ensuing general elections of the Maharashtra Legislative Assembly and would be totally occupied with pre and post election duties ;

AND WHEREAS to rule out any possible overlapping of the said elections and any possible undue pressure on civil and police administration and any law and order problem, or any inconvenience to citizens, it is considered expedient to temporarily postpone the elections of the Mayor and the Deputy Mayor of certain Municipal Corporations and the President and the Vice-President of certain Municipal Councils for a period of four months ;

AND 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 to provide for temporary postponement of elections of the Mayor and the Deputy Mayor of certain Municipal Corporations and the President and the Vice-President of certain Municipal Councils for the reasons aforesaid;

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 :—

Short title and commencement 1. (1) This Ordinance may be called the Maharashtra Municipal Corporations and Municipal Councils Temporary Postponement of Elections (of the Mayors and the Deputy Mayors of certain Municipal Corporations and the Presidents and the Vice-Presidents of certain Municipal Councils due to ensuing general elections to the State Legislative Assembly) Ordinance, 2009.

(2) It shall come into force at once.

Definitions. 2. In this Ordinance, unless the context otherwise requires,—

(a) "Municipal Corporation" means a Municipal Corporation constituted under the Mumbai Municipal Corporation Act, or the Bombay Provincial Municipal Corporations Act, 1949, or the City of Nagpur Corporation Act, 1948 ;

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(b) "Municipal Council" means a Municipal Council constituted under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965;

(c) "relevant Act" in relation to a Municipal Corporation, means the relevant Act referred to in clause (a) above and the "relevant Act" in relation to a Municipal Council, means the relevant Act referred to in clause (b) above;

(d) words and expressions used in this Ordinance and not defined herein shall have the meanings assigned to them in the relevant Act.

3. (1) Notwithstanding anything contained in the relevant Act or the rules made thereunder or in any Judgment, decree or order of any Court,—

Post-
ponement
of elections
of Mayors,
Deputy
Mayors and
Presidents
and Vice-
Presidents
and
extension of
term of
their office.

(a) no election to the office of the Mayor and the Deputy Mayor of the Municipal Corporation and the President and the Vice-President of the Municipal Council shall be held for a period of four months from the date of coming into force of this Ordinance or such earlier date as may be notified by the State Government (hereinafter in this Ordinance referred to as "the said period");

(b) the term of the offices of the Mayor, the Deputy Mayor and the President and the Vice-President to be elected after the said period shall be co-terminus with the term of the elected Councillors.

(2) Notwithstanding anything contained in sub-section (1), after the term of the Mayor, the Deputy Mayor and the President and the Vice-President as extended by this Ordinance expires, they shall continue to hold office until the new Mayor or Deputy Mayor or President or Vice-President has been elected under the relevant Act.

4. All the Mayors and the Deputy Mayors of the Municipal Corporations and the Presidents and the Vice-Presidents of the Municipal Councils, whose term of office is deemed to have been extended or is extended, as the case may be, under section 3, shall, throughout such extended period, be deemed to have been and be competent to exercise all the powers, perform all the duties and discharge all the functions as such Mayor, Deputy Mayor and President and Vice-President; and no Act done by any of them during the said period shall be invalid, or shall be called in question in any Court, merely on the ground that during the extended period such Mayor, Deputy Mayor and President and Vice-President could not exercise all or any of the powers or perform all or any of the duties or discharge all or any of the functions of the Mayor, the Deputy Mayor and the President and the Vice-President under the relevant Act.

Powers of
Mayor,
Deputy
Mayor and
President
and Vice-
President
whose
term of
office
stands
extended
and
validation
of certain
Acts.

Arrange-
ments to
hold
elections of
Mayors,
Deputy
Mayors and
Presidents
and Vice-
Presidents.

5. Notwithstanding anything contained in this Ordinance, arrangements shall be made by the Officers concerned to hold the elections of the Mayor and the Deputy Mayor of the Municipal Corporations and the President and the Vice-President of the Municipal Councils, in accordance with the provisions of the relevant Act, and the rules thereunder, before, or as soon as possible, after the expiration of the term of office of the existing Mayor, Deputy Mayor and President and Vice-President which stands extended by this Ordinance.

Removal of
difficulty.

6. If any difficulty arises in giving effect to the provisions of this Ordinance by reason of anything contained therein, or in giving effect to the provisions of the relevant Act in respect of any matter contained in this Ordinance, the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

STATEMENT

As per the existing provisions of the Municipal Laws in the State, the tenure of the offices of the Mayor and the Deputy Mayor of the Municipal Corporations and the President and the Vice-President of the Municipal Councils is two and a half years. In some of the Municipal Corporations, the term of the offices of the Mayors and the Deputy Mayors and in some of the Municipal Councils, the term of office of the President and the Vice-President is due to expire in the months of August, September and October 2009.

The general elections to the State Legislative Assembly are likely to be held sometime in the month of October 2009. On account of the said general elections to the Maharashtra Legislative Assembly, all officers and staff of the Collectors of the Districts as well as the police personnel in the Districts are busy with preparation for the said general elections and would be totally occupied with the pre and post election duties. To rule out any possible overlapping of the said elections and any possible undue pressure on civil and police administration and any law and order problem or any inconvenience to citizens, it is considered expedient to temporarily postpone the elections of the Mayors and the Deputy Mayors of the Municipal Corporation and the Presidents and the Vice-Presidents of the Municipal Council for a period of four months.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for temporary postponement of elections to the offices of the Mayor and the Deputy Mayor of certain Municipal Corporations and the President and the Vice-President of certain Municipal Councils, for a short period, on account of ensuing general elections to the State Legislative Assembly and for certain other incidental matters, this Ordinance is promulgated.

Mumbai,

Dated the 31st July 2009.

S. C. JAMIR,

Governor of Maharashtra.

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

MANU KUMAR SHRIVASTAV,
Secretary to Government.