



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ४८

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 Deputy Mayors of Certain Municipal Corporations and Presidents of Certain Municipal Councils due to ensuing general elections to the State Legislative Assembly) Bill, 2014 (L. A. Bill No. XVII of 2014), introduced in the Legislative Assembly on the 7th June 2014, is hereby published under the authority of the Governor.

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

H. B. PATEL,

Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XVII OF 2014.

A BILL

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

WHEREAS it is expedient to provide for temporary postponement of elections of the Mayor and Deputy Mayor of certain Municipal Corporations and of Presidents of certain Municipal Councils, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-fifth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils Temporary Postponement of Elections (of the Mayors and Deputy Mayors of Certain Municipal Corporations and Presidents of Certain Municipal Councils due to ensuing general elections to the State Legislative Assembly) Act, 2014.

Short title, commencement and duration.

(2) It shall come into force at once.

(3) It shall remain in force for a period of six months from the date of commencement of this Act or such earlier date as may be notified by the State Government by issuing a notification in the *Official Gazette*; and shall then expire. Section 7 of the Maharashtra General Clauses Act, shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act. I of 1904.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Municipal Corporation” means a Municipal Corporation constituted under the Mumbai Municipal Corporation Act, or the Maharashtra Municipal Corporations Act, ; III of 1888. LIX of 1949.

(b) “Municipal Council” means a Municipal Council or a *Nagar Panchayat* constituted under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 ; Mah. XL of 1965.

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

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

Postponement of elections of Mayors and Deputy Mayors and Presidents and extension of term of their office.

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

(a) no election to the office of the Mayor and Deputy Mayor of a Municipal Corporation or the President of a Municipal Council shall be held for a period of six months from the date of coming into force of this Act or such earlier date as may be notified by the State Government by issuing a notification under sub-section (3) of section 1 (hereinafter, in this Act, referred to as “the said period”);

(b) the term of offices of the Mayor and Deputy Mayor and the President of a Municipal Council, 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 offices of the Mayor and Deputy Mayor and the President, as extended by this Act expires, they shall continue to hold office until the new Mayor, Deputy Mayor or, as the case may be, President, have been elected under the relevant Act.

Powers of Mayor and Deputy Mayor and President whose term of office stands extended and validation of certain acts.

4. All the Mayors and Deputy Mayors and Presidents, 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 and Deputy Mayor or, as the case may be, 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 and Deputy Mayor or, as the case may be, 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 and Deputy Mayor or, as the case may be, the President under the relevant Acts.

5. Notwithstanding anything contained in this Act, arrangements shall be made by the concerned officers to hold the elections of the Mayor and Deputy Mayor and the President, in accordance with the provisions of the relevant Acts and the rules made thereunder, before, or as soon as possible, after the expiration of the term of office of the existing Mayor and Deputy Mayor and the President, which stands extended by this Act. Arrangements to hold elections of the Mayors and Deputy Mayors and Presidents.

6. If any difficulty arises in giving effect to the provisions of this Act or 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 Act, the State Government may, as occasion arises, by order, published in the *Official Gazette*, do anything which appears to it to be necessary for the purpose of removing the difficulty. Removal of difficulty.

7. Nothing in this Act shall apply to the election of the Mayor or Deputy Mayor of a Municipal Corporation, or President of a Municipal Council, which is to be held immediately after general election to such Municipal Corporation or the Municipal Council, during the period of duration of this Act, referred to in sub-section (3) of section 1. Savings.

STATEMENT OF OBJECTS AND REASONS

As per the existing provisions of the Municipal Laws in the State, the tenure of offices of the Mayor and Deputy Mayor of the Municipal Corporations and Presidents of Municipal Councils and *Nagar Panchayats*, is two and half years. In some of the Municipal Councils the term of offices of the Presidents is due to expire in the months of June and July, 2014 and in some of the Municipal Corporations, the term of offices of the Mayors and Deputy Mayors is due to expire in the month of September or October, 2014.

2. The general elections to the State Legislative Assembly are to be held in the month of October, 2014. All 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 said general elections and are likely to 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 Deputy Mayors of certain Municipal Corporations and Presidents of certain Municipal Councils, for a period of six months.

3. The Bill seeks to achieve the above objective.

Mumbai,
Dated the 6th June 2014.

PRITHVIRAJ CHAVAN,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 1 (3).—The Act is intended to remain in force for a period of six months from the date of commencement of this Act. However, under this clause, power is taken to the State Government to shorten the period of operation of the Act, if considered necessary, by issuing a notification in the *Official Gazette*.

Clause 6.—Under this clause, power is taken to the State Government to take action by order published in the *Official Gazette* for removing the difficulty in giving effect to the provisions of this Act.

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