



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ५९(३)]

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असाधारण क्रमांक ९६

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 Maharashtra Municipal Corporations (Amendment and Continuance) Ordinance, 2016 (Mah. Ord. XVII of 2016), is hereby published under the authority of the Governor.

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

P. H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Municipal Corporations (Amendment and Continuance) Ordinance, 2016 (Mah. Ord. XVII of 2016), published under the authority of the Governor.]

URBAN DEVELOPMENT DEPARTMENT
Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 30th August 2016.

MAHARASHTRA ORDINANCE No. XVII OF 2016.

AN ORDINANCE

Further to amend the Maharashtra Municipal Corporations Act.

WHEREAS the Governor of Maharashtra had promulgated Mah. the Maharashtra Municipal Corporations (Amendment) Ordinance, 2016, on Ord. 16th June 2016 ; XII of 2016.

AND WHEREAS upon the re-assembly of the State Legislature on the 18th July 2016, the Maharashtra Municipal Corporations (Amendment) Bill, 2016 (L.A. Bill No. XXVII of 2016), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 20th July 2016, and was transmitted to the Maharashtra Legislative Council;

AND WHEREAS thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council;

AND WHEREAS as provided by article 213(2) (a) of the Constitution of India, the said Ordinance shall cease to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 28th August 2016;

AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Ordinance;

AND WHEREAS 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 continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing ;

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 :—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations (Amendment and Continuance) Ordinance, 2016.

(2) It shall be deemed to have come into force on the 16th June 2016.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment of section 5 of LIX of 1949.

2. In section 5 of the Maharashtra Municipal Corporations Act (hereinafter, in this Act, referred to as "the Municipal Corporations Act"), in sub-section (2), in clause (a), in the Table,—

(a) in entry (iii), in column (2), for the words and figures "shall not exceed 145." the words and figures "shall not exceed 151." shall be substituted;

(b) for entry (iv), the following entries shall be substituted, namely :—

"(iv) Above 24 lakhs and upto 30 lakhs

The minimum number of elected Councillors shall be 151.

For every additional population of 50,000 above 24 lakhs, one additional Councillor shall be provided, so however that the maximum number of elected councillors shall not exceed 161.

(v) Above 30 Lakhs

The minimum number of elected Councillors shall be 161.

For every additional population of 1 lakh above 30 lakhs, one additional Councillor shall be provided, so however that the maximum number of elected Councillors shall not exceed 175.”.

CHAPTER III

MISCELLANEOUS

3. (1) If any difficulty arises in giving effect to the provisions of the Municipal Corporations Act, as amended by this Ordinance, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Act, as amended by this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty. Power to remove difficulty.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah.
Ord.
XII of
2016.

4. (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2016, is hereby withdrawn.

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

Repeal by
withdrawal of
Mah. Ord. XII
of 2016 and
saving.

STATEMENT

Section 5 of the Maharashtra Municipal Corporations Act (LIX of 1949) provides for constitution of the Corporation consisting of elected as well as nominated Councillors. Clause (a) of sub-section (2) of the said section 5 provides for the proportion for specifying the number of Councillors to be elected on the basis of population of the respective Corporations.

Sub-section (4) of the said section 5 provides that, where the area of the City has been extended after the general elections, an election to provide for representation to the people of the extended area may be held as soon as practicable. The first proviso to the said sub-section (4) provides that the total number of wards in the City including the wards newly constituted for the extended area under that sub-section shall not exceed the number of electoral wards specified in the Table in clause (a) of sub-section (2). The second proviso to the said sub-section (4) provides that the population of the wards newly constituted under sub-section (4) may marginally exceed or be below the average of the other wards.

2. As per the then provisions which were obtaining in the Table in clause (a) of sub-section (2), for the population of above 24 lakhs, the minimum number of Councillors to be elected was 145. The said Table also provided that, for every additional population of 1 lakh above 24 lakhs, there used to be one additional councillor, subject to the maximum number of elected councillors being fixed at 221.

3. It had been brought to the notice of Government that, in certain cases, though the area of the Municipal Corporation was extended by inclusion of additional areas, such extended areas of the Corporation were not being represented by the elected Councillors, as the said Table provided that where the population of the Corporation exceeds 24 lakhs, there used to be one additional Councillor for population of every 1 lakh, exceeding 24 lakhs. Thus, in certain cases, such extended areas of such Corporation was to remain unrepresented.

4. To remove that anomaly, it was proposed to lower the prescribed quantum of population for additional Councillor, in respect of Corporations having population above 24 lakhs, and accordingly, it was also proposed to revise the minimum and maximum numbers of elected Councillors and ratio of population for increase in the number of elected Councillors of the Corporation. Such provisions would also ensure that the majority of the population of the extended areas are being represented in the Corporation. It was, therefore, proposed to amend section 5 of the Maharashtra Municipal Corporations Act, suitably.

5. 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 Maharashtra Municipal Corporations Act (LIX of 1949) for the purposes aforesaid, the Maharashtra Municipal Corporations (Amendment) Ordinance, 2016, was promulgated on the 16th June 2016.

6. Thereafter, upon the re-assembly of the State Legislature on 18th July 2016, the Maharashtra Municipal Corporations (Amendment) Bill, 2016 (L. A. Bill No. XXVII of 2016), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 20th July 2016, and was transmitted to the Maharashtra Legislative Council. However, as thereafter, session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council.

As the State Legislature has re-assembled on the 18th July 2016 as provided by article 213(2)(a) of the Constitution of India, the said Ordinance shall cease to operate after the 28th August 2016, and Government of Maharashtra considers it expedient to continue the operation of the provisions of the said Ordinance.

7. 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 continue the provisions of the Maharashtra Municipal Corporations (Amendment) Ordinance, 2016 for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 30th August 2016.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

MANISHA PATANKAR-MHAISKAR,
Secretary to Government.