

L. A. BILL No. XIX OF 2022.

A BILL

*further to amend the Mumbai Municipal Corporation Act and the
Maharashtra Municipal Corporations Act.*

5 WHEREAS both Houses of the State Legislature were not in session;

III of
1888.
LIX of 10 hereinafter appearing; and, therefore, promulgated the Mumbai Municipal
1949. Corporation and Maharashtra Municipal Corporations (Amendment)
Mah. Ord. Ordinance, 2022 on the 4th August 2022;
VII of
2022.

AND WHEREAS it is expedient to replace the said Ordinance, by an
Act of the State Legislature; it is hereby enacted in the Seventy-third Year
15 of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Mumbai Municipal Corporation and Short title and
Maharashtra Municipal Corporations (Amendment) Act, 2022. commencement.

20 (2) It shall be deemed to have come into force on the 4th August
2022.

CHAPTER II

AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 5 of III of 1888. **2.** In section 5 of the Mumbai Municipal Corporation Act, in sub-section (1), in clause (a), for the words “two hundred and thirty-six” the words “two hundred and twenty-seven” shall be substituted. 5 III of 1888.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment of section 5 of LIX of 1949. **3.** In section 5 of the Maharashtra Municipal Corporations Act, in sub-section (2), in clause (a), for the TABLE, the following TABLE shall be substituted, namely :— 10 LIX of 1949.

“TABLE

	Population (1)	Number of Councillors (2)	
(i)	Above 3 lakhs and upto 6 lakhs	The minimum number of elected Councillors shall be 65. For every additional population of 15,000 above 3 lakhs, there shall be one additional Councillor, so however that, the maximum number elected Councillors shall not exceed 85.	15 20
(ii)	Above 6 lakhs and upto 12 lakhs	The minimum number of elected Councillors shall be 85. For every additional population of 20,000 above 6 lakhs, there shall be one additional Councillor, so however that, the maximum number of elected Councillors shall not exceed 115.	25
(iii)	Above 12 lakhs and upto 24 lakhs	The minimum number of elected Councillors shall be 115. For every additional population of 40,000 above 12 lakhs, there shall be one additional Councillor, so however that, the maximum number of elected Councillors shall not exceed 151.	30
(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, there shall be one additional Councillor, so however that, the maximum number of elected Councillors shall be 161.	35 40
(v)	Above 30 lakhs	The minimum number of elected Councillors shall be 161. For every additional population of 1 lakh above 30 lakhs, there shall be one additional Councillor, so however that, the maximum number of elected Councillors shall be 175.”.	45

CHAPTER IV

MISCELLANEOUS

III of 1888.
LIX of 1949. 4. Notwithstanding anything contained in the Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporations Act 5 (hereinafter, in this Chapter, referred to as “the said Acts”) and the rules, notifications or orders made thereunder, where the process,—

Annulment
of process.

10 (a) to divide the area of Municipal Corporations, into wards and to specify the boundaries thereof is started or completed by the State Election Commissioner or the State Government, as the case may be, or

(b) of reservation of seats of Councillors in the Municipal Corporations is started or completed by the State Election Commissioner,

Mah. of 2022. 15 before the date of commencement of the Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Act, 2022, shall be deemed to be annulled and such process shall be done afresh according to the provisions of the said Acts as amended by this Ordinance.

20 5. (1) If any difficulty arises in giving effect to the provisions of the said Acts, as amended by this Act, the State Government may, by an order published in the *Official Gazette*, as the occasion arises, make such provisions not inconsistent with the provisions of the said Acts, as amended by this Act, as may appear to it to be necessary or expedient for the purposes of removing the difficulty :

Power to
remove
difficulties.

25 Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

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

Mah. Ord. VII of 2022. 30 6. (1) The Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Ordinance, 2022, is hereby repealed.

Repeal of
Mah. Ord.
VII of 2022
and saving.

35 (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the said Acts, 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 said Acts, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 5 of the Mumbai Municipal Corporation Act (III of 1888) provides for the number of Councillors directly elected at ward elections in Municipal Corporation of *Brihan* Mumbai and section 5 of the Maharashtra Municipal Corporations Act (LIX of 1949) provides for minimum and maximum number of elected Councillors in proportion to the population of the respective Corporation.

2. By the Maharashtra Act No. II of 2022 and the Maharashtra Act No. XII of 2022, the numbers of Councillors in the Municipal Corporation of *Brihan* Mumbai and minimum and maximum number of elected Councillors of other Corporations had been increased considering growth in urban population and the speed of urbanisation, on the basis of figures of Census 2011 and hypothetical calculation of population in 2021-2022, respectively.

However, it was considered expedient to specify the number of Councillors of Corporations on the basis of figures of population as per Census 2021 after it is completed.

3. The said Corporation Acts are amended by the Maharashtra Act No. XXI of 2022 to take power to the State Government to divide the area of *Brihan* Mumbai into wards and to specify the boundaries thereof, and to specify for each City the number and boundaries of the wards into which such City shall be divided for the purpose of the ward election of Councillor.

The Hon'ble Supreme Court in *Rahul Ramesh Wagh Vs. State of Maharashtra (S.L.P.(C) No. 19756 of 2021)*, has *vide* its orders dated the 4th May 2022 and 20th July 2022, directed the Election Commission to notify the election programme on the basis of delimitation done prior to coming into force of the said amendment Act w.e.f. the 11th March 2022.

4. In view of the above, it was considered expedient to amend sections 5 of the said Acts, suitably, to reinstate the number of Councillors prior to the Maharashtra Act No. II of 2022 and Maharashtra Act No. XII of 2022.

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 Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporations Act, for the purposes aforesaid, the Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Ordinance, 2022 (Mah. Ord. VII of 2022), was promulgated by the Governor of Maharashtra on the 4th August 2022.

6. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 12th August 2022.

EKNATH SAMBHAJI SHINDE,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 5.—Under this clause, power is taken to the State Government, to issue an order published in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of the Act.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

ANNEXURE TO THE L.A. BILL No. XIX OF 2022.—THE MUMBAI MUNICIPAL CORPORATION AND THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) BILL, 2022.

(Extracts from the Mumbai Municipal Corporation Act, 1888)

(Mah. III of 1888)

1. to 4.	*	*	*	*
5. (1) The Corporation shall consist of,—				Composition of Corporation.
(a) two hundred and thirty-six councillors directly elected at ward elections ; and				
(2)	*	*	*	*
5A. to 5B.	*	*	*	*
6. to 528.	*	*	*	*
SCHEDULES	*	*	*	*

(Extracts from the Maharashtra Municipal Corporations Act, 1949)

(Mah. LIX of 1949)

1. to 4.	*	*	*	*
5. (1)	*	*	*	*
(2) Each Corporation shall consist of,—				Constitution of Corporation.
(a) such number of councillors, elected directly at ward elections, as is specified in the table below :—				

Population (1)	Number of Councillors (2)
(i) Above 3 lakhs and upto 6 lakhs	The minimum number of elected Councillors shall be 76. For every additional population of 15,000 above 3 lakhs, one additional Councillor shall be provided, so however that, the maximum number elected Councillors shall not exceed 96.
(ii) Above 6 lakhs and upto 12 lakhs	The minimum number of elected Councillors shall be 96. For every additional population of 20,000 above 6 lakhs, one additional Councillor shall be provided, so however that, the maximum number of elected Councillors shall not exceed 126.
(iii) Above 12 lakhs and upto 24 lakhs	The minimum number of elected Councillors shall be 126. For every additional population of 40,000 above 12 lakhs, one additional Councillor shall be provided, so however that, the maximum number of elected Councillors shall not exceed 156.

Population (1)		Number of Councillors (2)		
(iv)	Above 24 lakhs and upto 30 lakhs	<p>The minimum number of elected Councillors shall be 156.</p> <p>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 be 168.</p>		
(v)	Above 30 lakhs	<p>The minimum number of elected Councillors shall be 168.</p> <p>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 be 185.”.</p>		
(B)	*	*	*	*
(3) to (5)	*	*	*	*
5A. to 5B.	*	*	*	*
6. to 493.	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XIX OF 2022.]

**[A Bill further to amend the Mumbai
Municipal Corporation Act and the
Maharashtra Municipal Corporations
Act.]**

**[SHRI EKNATH SAMBHAJI SHINDE,
Chief Minister.]**

**RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.**