

L. A. BILL No. XXI OF 2021.

A BILL

further to amend the Maharashtra Municipal Corporations Act.

(As passed by the Legislative Assembly on the 23rd December, 2021.)

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

LIX of
1949.
Mah.
Ord. IV
of 2021.
10 AND WHEREAS 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, for
the purposes hereinafter appearing ; and therefore, promulgated the
Maharashtra Municipal Corporations (Amendment) Ordinance, 2021 on the
30th September 2021;

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

Short title and commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 30th September 2021.

Amendment of section 5 of LIX of 1949.

2. In section 5 of the Maharashtra Municipal Corporations Act 5 LIX of 1949. (hereinafter referred to as “the principal Act”), in sub-section (3), for the first proviso, the following proviso shall be substituted, namely :—

“Provided that, after the commencement of the Maharashtra Municipal Corporations (Amendment) Act, 2021, in respect of the general elections to the Corporations, each of the wards shall elect as far as possible three Councillors, but not less than two and not more than four Councillors, and each voter shall, notwithstanding anything contained in this Act, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward :” 10 Mah. of 2021.

Repeal of Mah. Ord. IV of 2021 and saving.

3. (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2021, is hereby repealed. 15 Mah. Ord. IV of 2021.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal 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 principal Act, as amended by this Act. 20

STATEMENT OF OBJECTS AND REASONS

As per the then existing provisions of the Maharashtra Municipal Corporations Act (LIX of 1949), each ward in the Municipal Corporations elects only one Councillor. While dealing with the health emergency within the areas of Municipal Corporations in the State, arose due to Covid-19 pandemic, it was felt necessary to have multi-member ward system in Corporations. After taking the review of such position and with a view to ensure the smooth functioning of the Municipal Corporations, the State Government considered it expedient to suitably amend the provisions of the said Act.

2. It was proposed to provide that, each of the wards of the Municipal Corporations shall elect as far as possible three Councillors but not less than two Councillors and not more than four Councillors. For that purpose, it was proposed to amend section 5 of the said Act, suitably.

3. 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, 2021 (Mah. Ord. IV of 2021), was promulgated by the Governor of Maharashtra on the 30th September 2021.

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

Mumbai,
Dated the 3rd November, 2021.

EKNATH SHINDE,
Minister for Urban Development.

ANNEXURE TO THE L.A. BILL No. XXI OF 2021— THE MAHARASHTRA
MUNICIPAL CORPORATIONS (AMENDMENT) BILL 2021.

(Extracts from the Maharashtra Municipal Corporation Act.)

(Mah. LIX of 1949)

1. to 4.	*	*	*	*
5. (1) and (2)	*	*	*	*

Constitution of
Corporation.

(3) The State Election Commissioner shall, from time to time, by notification in the *Official Gazette*, 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 so that as far as practicable, all wards shall be compact areas and the number of persons in each ward according to the latest census figures shall approximately be the same. Each of the wards shall elect only one Councillor.

Explanation.—For the purposes of this Act, the expression “latest census figures” obtaining in sub-section (3), shall mean,—

(a) the figures of the latest census finally published and pending publication of final figures of the latest census shall mean the provisional figures published of such census ; and

(b) where the relevant final or provisional figures of the latest census are not available, the final relevant figures of the census immediately preceding the latest census.

Provided that, after the commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2016, but till the day immediately preceding the date of the publication of the Maharashtra Municipal Corporations (Amendment) Act, 2019 in the *Official Gazette* in respect of the general elections to the Corporation, each of the wards shall elect as far as possible four Councillors but not less than three and not more than five Councillors, and each voter shall, notwithstanding anything contained in this Act, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward.

Provided further that, no notification issued under sub-section (3), whether before or after the commencement of the Maharashtra Municipal Corporations, Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Act, 1995, shall have effect except for the general election held next after the date thereof and for subsequent elections.

Provided also that before any notification is issued under sub-section (3), a draft thereof shall be published in the *Official Gazette*, and in such other manner as in the opinion of the State Election Commissioner is best calculated to bring the information to the notice of all persons likely to be affected thereby, together, with a notice specifying the date on or before which any objections or suggestions will be received, and the date after which the draft will be taken into consideration.

(4) and (5)	*	*	*	*
5A and 5B	*	*	*	*
6. to 493.	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXI OF 2021.]

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

**[SHRI EKNATH SHINDE,
Minister for Urban Development.]**

**[As passed by the Legislative Assembly
on the 23rd December, 2021.]**

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