

L. A. BILL No. XXVIII OF 2021.

A BILL

*further to amend the Maharashtra Municipal Corporations Act and the
Maharashtra Municipal Councils, Nagar Panchayats and Industrial
Townships Act, 1965.*

5

(As passed by the Legislative Assembly on the 28th December 2021.)

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

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 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and therefore, promulgated the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2021 on the 2nd November 2021.

LIX of 1949
Mah. XL of 1965.
Mah. Ord. X of 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 :—

CHAPTER I

10

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 2nd November 2021.

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, in sub-section (2), in clause (a), for the TABLE, the following TABLE shall be substituted, namely :—

20 LIX of 1949.

“ TABLE

	Population (1)	Number of Elected 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.	30
(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	35

	(1)	(2)
		maximum number of elected Councillors shall not exceed 126.
5	(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.
10		
15	(iv) Above 24 lakhs and upto 30 lakhs.	The minimum number of elected Councillors shall be 156. 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.
20		
25	(v) Above 30 lakhs.	The minimum number of elected Councillors shall be 168. For every additional population of 1 lakhs above 30 lakhs, one additional Councillor shall be provided, so however that, the maximum number of elected Councillors shall be 185.”.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

3. In section 9 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (2), in clause (a), for the TABLE, the following TABLE shall be substituted, namely :—

Amendment of section 9 of Mah. XL of 1965.

“TABLE

Class of Municipal Area (1)	Number of Elected Councillors (2)	
(i) “A” Class	The minimum number of elected Councillors shall be 40, and for every 8,000 of the population above 1,00,000, there shall be one additional elected Councillor, so however that, the total number of elected Councillors shall not exceed 75;	5
		10
		15
(ii) “B” Class	The minimum number of elected Councillors shall be 25, and for every 5,000 of the population above 40,000 there shall be one additional elected Councillor, so however that, the total number of elected Councillors shall not exceed 37;	20
		25
(iii) “C” Class	The minimum number of elected Councillors shall be 20, and for every 3,000 of the population above 25,000 there shall be one additional elected Councillor, so however that, the total number of elected Councillors shall not exceed 25.”.	30
		35

CHAPTER IV

MISCELLANEOUS

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

4. (1) The Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2021, is hereby repealed.

40 Mah. Ord.
X of 2021.

LIX of
1949.
Mah. XL
of 1965.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial 5 Townships Act, 1965, 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 relevant Acts, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 5 of the Maharashtra Municipal Corporations Act (LIX of 1949) and section 9 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) provides for constitution of the Corporations and Councils consisting of elected as well as nominated Councillors. Clause (a) of sub-section (2) of the section 5 of the said Act of 1949 and clause (a) of sub-section (2) of section 9 of the said Act of 1965, provides for the proportion for specifying the number of Councillors to be elected on the basis of population of the respective Corporations and municipal areas.

2. As per the then existing provisions, in Corporations, the minimum number of elected Councillors was 65 and maximum number was 175 and in municipal areas, minimum number of elected Councillors was 17 and maximum number was 65.

3. The number of elected members of Corporations and municipal areas were determined by the population figures as per census 2011. Due to Covid-19, the latest figures of 2021 census were not available. However, there is huge growth in urban population and the speed of urbanization is also growing up.

Considering these aspects, to ensure that the majority of the population is being represented in the Corporations and municipal areas, it was decided to revise the minimum and accordingly the maximum number of elected Councillors in the Corporations and municipal areas. It was, therefore, proposed to amend said section 5 of the Maharashtra Municipal Corporations Act and said section 9 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, suitably.

4. 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 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes aforesaid, the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2021 (Mah. Ord. X of 2021), was promulgated by the Governor of Maharashtra on the 2nd November 2021.

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

Mumbai,

dated the 22nd November 2021.

EKNATH SHINDE,

Minister for Urban Development.

*ANNEXURE TO THE L.A. BILL No. XXVIII OF 2021—
THE MAHARASHTRA MUNICIPAL CORPORATIONS AND
THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR
PANCHAYATS AND INDUSTRIAL TOWNSHIPS (SECOND
AMENDMENT) BILL, 2021.*

[*Extracts from the Maharashtra Municipal Corporation Act.*]

(Mah. LIX of 1949)

1. to 4.	*	*	*	*	
5. (1)	*	*	*	*	Constitution of Corporations.

(2) Each Corporation shall consist of,—

(a) such number of Councillors, elected directly at ward elections, as is specified in the table below:—

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, one additional Councillor shall be provided, so however that the maximum number of elected Councillors shall not exceed 85.
(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, one additional Councillors shall be provided, so however that the maximum number of elected Councillors shall not exceed 115.
(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, one additional Councillor shall be provided, so however that the maximum number of elected Councillors shall not exceed 151.
(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.

(b)	*	*	*	*
(3) to (5)	*	*	*	*
5A. and 5B.	*	*	*	*
6. to 493.	*	*	*	*

[Extracts from the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965]

(Mah. XL of 1965)

1. to 8.	*	*	*	*
9.(1) and (1A)	*	*	*	*

Constitution of Corporations.

(2) The Director shall from time to time by an order published in the *official Gazette* fix for each municipal area-

(a) the number of elected Councillors in accordance with the following table:—

TABLE

Class of Municipal area (1)	Number of elected Councillors (2)
(i) 'A' Class	The minimum number of elected Councillors shall be 38, and For every 8,000 of the population above 1,00,000 there shall be one additional elected Councillor, so, however, that the total number of elected Councillors shall not exceed 65.
(ii) 'B' Class	The minimum number of elected Councillors shall be 23, and for every, 5,000 of the population above 40,000 there shall be one additional elected Councillors, so, however, that the total number of elected Councillors shall not exceed 37.
(iii) 'C' Class	The minimum number of elected Councillors shall be 17, and for every 3,000 of the population above 25,000 there shall be one additional elected Councillor, so, however, that the total number of elected Councillors shall not exceed 23.

(b) to (d)	*	*	*	*
(3)	*	*	*	*
10. to 351.	*	*	*	*
SCHEDULES	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

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

**[A Bill further to amend the Maharashtra
Municipal Corporations Act and the
Maharashtra Municipal Councils,
Nagar Panchayats and Industrial
Townships Act, 1965.]**

[SHRI EKNATH SHINDE,
Minister for Urban Development.]

**[As passed by the Legislative Assembly
on the 28th December 2021.]**

RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.