



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ८(४)]

गुरुवार, जानेवारी १२, २०१७/पौष २२, शके १९३८

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असाधारण क्रमांक १५

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) Act, 2016 (Mah. Act No. X of 2017) is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. X OF 2017.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 12th January 2017).

An Act further to amend the Maharashtra Municipal Corporations Act.

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

(१)

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 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 to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment and Continuance) Ordinance, 2016 (hereinafter referred to as "the said Continuance Ordinance") on the 30th August 2016;

Mah.
Ord.
XVII of
2016.

AND WHEREAS it is expedient to replace the said Continuance Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-Seventh year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 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 Act, 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 Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Power to remove difficulty.

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

(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. XVII of 2016.

4. (1) The Maharashtra Municipal Corporations (Amendment and Continuance) Ordinance, 2016, is hereby repealed.

Repeal of Mah. Ord. XVII of 2016 and saving.

(2) Notwithstanding such repeal, 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 Act.