



The Bombay Municipal Corporation (Revision of Election Roll and Further  
Extension of Term) Act, 1978

Act 17 of 1978

Keyword(s):

Municipal Election, Councillors, Election Roll, Committee

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE BOMBAY MUNICIPAL CORPORATION (REVISION OF  
ELECTION ROLL AND FURTHER EXTENSION OF TERM)  
ACT, 1978.

---

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Further extension of term of office of Councillors.
3. Powers of Councillors whose term is further extended and validation of certain acts.
4. Fresh revision of Municipal election roll.
5. Amendment of section 19 of Bom. III of 1888.
6. Consequences of extension of term of existing Councillors and fixation of day for retirements for them.
7. Application of principal Act.
8. Removal of difficulties.

MAHARASHTRA ACT No. XVII OF 1978.<sup>1</sup>

[THE BOMBAY MUNICIPAL CORPORATION (REVISION OF ELECTION ROLL AND FURTHER EXTENSION OF TERM) ACT, 1978.]

[29th July 1978]

(Assented to by the Governor)

**An Act to provide for further revision of the municipal election roll and extension of the term of office of the Councillors of the Municipal Corporation of Greater Bombay.**Mah.  
XLV-  
III of  
1977.

WHEREAS the term of office of the Councillors of the Municipal Corporation of Greater Bombay was extended for the period upto and inclusive of the 31st day of May 1978 under the Maharashtra Municipal Councils and Municipal Corporations (Postponement of Elections due to ensuing General Elections to the State Legislative Assembly) Act, 1977, and arrangements were to be made by the Municipal Commissioner to reconstitute the Municipal Corporation before, or as soon as possible after, the expiration of the extended term of office of the Councillors.

AND WHEREAS in order to have more up-to-date municipal election roll and in view of the examinations of schools and colleges and the rainy season and to save the voters, candidates and members of the public in general from the inconvenience and hardships likely to be caused by holding the general ward elections by that time, the general elections could not be held so far;

AND WHEREAS it is expedient to provide for further revision of the municipal election roll and postponement of the general elections till the roll is so revised and in consequence of such postponement, to extend further the term of office of the existing Councillors of the Municipal Corporation of Greater Bombay upto noon on the 15th day of November 1978 and to provide for other connected matters; It is hereby enacted in the Twenty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Municipal Corporation (Revision of Election Roll and further Extension of Term) Act, 1978. Short title and commencement.
- (2) It shall be deemed to have come into force on the 31st May 1978.

Mah.  
XLV-  
III of  
1977.

2. (1) Notwithstanding anything contained in the Maharashtra Municipal Councils and Municipal Corporations (Postponement of Elections due to ensuing General Elections to the State Legislative Assembly) Act, 1977 (hereinafter referred to as "the Postponement of Elections Act") and in the Bombay Municipal Corporation Act (hereinafter referred to as "the principal Act"), the term of office of the Councillors of the Municipal Corporation of Greater Bombay, which would have expired after the 31st day of May 1978, shall be deemed not to have expired and shall be deemed to have been extended, and is hereby further extended, upto noon on the 15th day of November 1978, when these Councillors shall retire from office for the purposes of section 7 of the principal Act. Further extension of term of office of Councillors.

(2) Notwithstanding anything contained in sections 9 and 22 of the principal Act, but subject to the provisions of section 4 of this Act, during the period commencing on the 1st day of June 1978 and ending upto noon on the 15th day of November 1978, no general elections and no bye-election to the office of any Councillor shall be held :

Provided that, the general elections shall be held at the appropriate time towards the end of the said period, so that the newly elected Councillors may come into office on the day for the retirement of the Councillors whom they are to succeed.

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1978, Part V, Extra., p. 133.

**3.** All Councillors, whose term of office is deemed to have been extended, or is further extended, under section 2, shall, throughout the further extended period also, be deemed to have been and be competent to exercise all powers, perform all duties and discharge all functions as such Councillors, and no act done by any of them, or any of the municipal authorities or bodies during the period aforesaid shall be invalid, or shall be called in question in any Court, merely on the ground that the term of office was not extended in time or was not otherwise duly extended, or that during the extended period the Municipal Corporation or any of the authorities or other bodies thereof or any of the Councillors could not exercise all or any of the powers or perform all or any of the duties or discharge all or any of the functions of the Corporation, authority, body or Councillor, as the case may be.

**4.** (1) The final ward rolls published on the 23rd day of March 1978 under paragraph (vi) of clause (b) of sub-section (1) of section 19 of the principal Act shall again be published as draft ward rolls under paragraph (1) of the said clause (b) for inviting applications for the inclusion of names or for correction of entries therein, within a period of thirty days from the date of their publication.

(2) Notwithstanding anything contained in the principal Act or in any notification issued thereunder, the relevant date for the purposes of paragraph (i) of the said clause (b) in respect of the draft ward rolls published as required by sub-section (1) shall be the 1st day of August 1978 and the period of forty-five days referred to in paragraphs (iv) and (vi) of the said clause (b) shall, for the purpose of finalisation of the ward rolls, stand reduced to thirty-seven days.

(3) After following the further procedure laid down in the said clause (b), and carrying out the necessary changes, the final ward rolls shall be published under paragraph (vi) of the said clause (b). The final ward rolls so published shall collectively be deemed to be the municipal election roll for the purposes of the ensuing general elections.

(4) Notwithstanding anything contained in sub-section (1A) of section 5 read with sub-section (1) of section 19 of the principal Act, Government Notification, Urban Development and Public Health Department, No BMC-1177/3094-UD-3, dated the 30th August 1977, shall be deemed to be cancelled, and the State Government shall issue a fresh notification to provide for reservation for members of Scheduled Castes such number of seats out of the total number of seats available and to specify the wards in which the seats shall be reserved, having regard to the population of such members in Greater Bombay and having regard to the necessity of spreading over such reserved seats in different parts of Greater Bombay.

(5) After the final ward rolls are published and the fresh notification referred to in sub-section (4) is issued, the Municipal Commissioner shall fix the dates for the various stages of the general elections and take other necessary action for holding the elections under section 22 and other relevant provisions of the principal Act.

**5.** (Amendment of section 19 of Bom. III of 1888). *Amendments have been incorporated in the principal Act.*

**6.** As a result of the extension of the term of office of the Councillors and the fixation of the day for retirement in respect of them under sub-section (1) of section 2, the following consequences shall ensue, and the provisions of the principal Act, in so far as they relate to the matters hereinafter specified in this section, shall be deemed to have been amended accordingly :—

(i) All Councillors who are elected at the general elections referred to in sub-section (5) of section 4 and all Councillors who are elected to fill casual vacancies thereafter, shall, notwithstanding anything contained in sections 7 and 9 of the principal Act, retire from office at noon on the first day of April 1983.

(ii) The Councillors shall, at their first meeting held after such general elections, appoint one of their own number to be Mayor until the first meeting of the Corporation in the official year commencing on the first day of April 1979.

(iii) The members of the Standing Committee, the Improvements Committee, the Bombay Electric Supply and Transport Committee, the Education Committee and other Committees shall be appointed at the first meeting of the Councillors after such general elections, or as soon as possible thereafter.

(iv) The Standing Committee, the Improvements Committee, the Bombay Electric Supply and Transport Committee and the Education Committee appointed under clause (iii) shall, each at their first meeting, appoint one of their own number to be its Chairman, until the first meeting of such Committee in April 1979.

(v) One-half of the members of the Standing Committee and the Improvements Committee appointed under clause (iii) shall retire at noon on the first day of April 1979. The members who shall so retire shall be selected by lot at such time previous to the first day of March 1979 and in such manner as the Chairman of the concerned Committee may determine.

(vi) One-half of the members of the Bombay Electric Supply and Transport Committee appointed under clause (iii) shall retire on the first day of April 1980. The members who shall so retire shall be selected by lot at such time previous to the first day of March 1980 and in such manner as the Chairman of that Committee may determine.

(vii) One-half of the Councillor members and one-half of the other members of the Education Committee appointed under clause (iii) shall retire at noon on the first day of April 1979. The members who shall so retire shall be selected by lot at such time previous to the first day of March 1979 and in such manner as the Chairman of that Committee may determine.

7. Except as otherwise provided by or under this Act, the provisions of the principal Act shall apply *mutatis mutandis* in respect of any matter contained in this Act or any matter connected therewith. Application of principal Act.

8. If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained therein, or in giving effect to the principal Act in respect of the matters contained in this Act, the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty. Removal of difficulties.