



The Maharashtra Municipalities (Temporary Postponement of Elections to
Municipal Councils) Act, 1991

Act 21 of 1991

Keyword(s):

Administrator, Municipal Council, The Municipalities Act

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THE MAHARASHTRA MUNICIPALITIES (TEMPORARY POSTPONEMENT
OF ELECTIONS TO MUNICIPAL COUNCILS) ACT, 1991.

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MAHARASHTRA ACT NO. XXI OF 1991.¹

[THE MAHARASHTRA MUNICIPALITIES (TEMPORARY POSTPONEMENT OF ELECTIONS TO MUNICIPAL COUNCILS) ACT, 1991.]

[This Act received the assent of the Governor on the 3rd September 1991; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 4th September 1991.]

An Act to provide for temporary postponement of elections to municipal councils in the State.

Mah. XL of 1965. WHEREAS under sub-section (1) of section 40 of the Maharashtra Municipalities Act, 1965, the term of office of councillors of a municipal council is for a period of five years, which term may be extended by the State Government for a further period of one year;

AND WHEREAS the extended term of the councillors of certain municipal councils was to expire on the 14th May 1991;

AND WHEREAS the Government of India had requested the Government of Maharashtra to defer holding of elections of local bodies in the State in the context of the critical situation then developing in the Gulf-region resulting, amongst other things, in possible scarcity of petroleum and its by-products;

AND WHEREAS in the meantime the Lok Sabha was dissolved by the President and mid-term general elections to the Lok Sabha were then declared to be held on the 23rd May and 26th May 1991 (which dates were subsequently changed to the 12th and 15th of June 1991); and to avoid the overlapping of the elections then declared and also that the Collectors and their entire staff and other officers who were required to conduct the general municipal elections were fully occupied with the Lok Sabha election work;

AND WHEREAS thereafter due to onset of monsoon it would not have been convenient and practicable to hold the general elections to the said municipal councils till the monsoon was over;

AND WHEREAS for the reasons aforesaid it was expedient to postpone the elections and bye-elections to the said municipal councils for a certain period;

AND WHEREAS in consequence of such postponement, it was necessary further to extend suitably the term of office of councillors or, as the case may be, of administrators, of the said municipal councils;

AND WHEREAS both Houses of the Legislature of the State 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 to provide for the postponement of the elections and consequent extension of the term of office as aforesaid, and also to provide for purposes connected with the said matters and, therefore, promulgated the Maharashtra Municipalities (Temporary Postponement of elections to Municipal Councils) Ordinance, 1991;

Mah. Ord. IX of 1991.

¹. For Statement of Objects and Reasons, See *Maharashtra Government Gazette*, 1991, Part V, Extraordinary, p. 141.

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

Short title and commencement.

1. (1) This Act may be called the Maharashtra Municipalities (Temporary Postponement of Elections to Municipal Councils) Act, 1991.

(2) It shall be deemed to have come into force on the 10th day of May 1991.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “ administrator ” means any person appointed under section 48A or 313 or any other provisions of the Municipalities Act, to exercise the powers and perform the duties of any municipal council;

(b) “ municipal council ” means a municipal council constituted under the Municipalities Act;

(c) “ the Municipalities Act ” means the Maharashtra Municipalities Act, 1965; Mah. XL of 1965.

(d) words and expressions used in this Act and not defined herein shall, in relation to any municipal council, have the meanings assigned to them under the Municipalities Act.

Temporary postponement of elections to municipal councils and extension of term of office of councillors and administrators.

3. Notwithstanding anything contained in the Municipalities Act or any rules or bye-laws made thereunder,—

(a) during the period from the date of commencement of this Act upto and inclusive of the 14th day of May 1992 or such earlier date as the State Government may, by notification in the *Official Gazette*, specify (hereinafter in this Act referred to as “ the said period ”), no election to a municipal council and no bye-election to fill any casual vacancy in any municipal council, shall be held;

(b) the term or extended term of office of the councillors (whether elected, co-opted or nominated) of any municipal council, or the term of the administrator of any municipal council, who were in office on the day immediately preceding the date of commencement of this Act (whether their term has expired before or will expire on or after the said date at any time during the said period), shall be deemed to have been further extended, or extended or to be extended, as the case may be; and every such councillor or administrator shall continue to hold office during the said period;

Provided that, after the expiry of the term of office of the councillors or the administrators as so extended by this section, they shall continue in office until the first meeting of the re-constituted municipal council, at which a quorum is present.

Powers of councillors and administrators, whose term of office stands extended and validation of certain acts.

4. All councillors of municipal councils and all administrators of municipal councils, whose term of office is deemed to have been so extended under the last preceding section, shall throughout the extended period also (whether before or after the commencement of this Act), be deemed to have been and be competent to exercise all powers and to perform all duties and functions as such councillors or administrators, as the case may be, and no act done by any such councillor or administrator before or during the said period shall be deemed 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 council, councillor, president or administrator could not exercise all powers and perform all duties and functions of the municipal council, councillor, president or administrator, as the case may be.

5. Notwithstanding anything contained in this Act, after the date (being a date before the expiry of the said period), to be notified by the State Government in the *Official Gazette*, arrangements shall be made by the collectors and other officers concerned to constitute new municipal councils in accordance with the provisions of the Municipalities Act and rules and bye-laws made thereunder, before or as soon as possible after, the expiration of the term of office of the existing municipal councils, councillors and administrators, which stands extended under this Act.

Arrange-
ments to be
made to
re-constitute
new
municipal
councils at
expiry of
extended
term of
existing
municipal
councils,
councillors
and
adminis-
trators.

6. Except as otherwise provided by or under this Act, the provisions of the Municipalities Act shall in all other respects apply to the municipal councils.

Application
of Mah.
XL of 1965.

7. If any difficulty arises in giving effect to the provisions of 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.

Provided that, no such order shall be made after the expiry of the period of two years, from the date of publication of this Act in the *Official Gazette*.

Mah. Ord. IX of 1991. 8. (1) The Maharashtra Municipalities (Temporary Postponement of Elections to Municipal Councils) Ordinance, 1991 is hereby repealed.

Repeal of
Mah. Ord.
IX of 1991

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of this Act.

and
savings.