



The Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors due to Ensuing General Elections to the State Legislative Assembly and Certain other Elections) Act, 2004

Act 18 of 2004

Keyword(s):

Municipal Corporation, Relevant Act, Mayor, Deputy Mayor

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**THE MAHARASHTRA MUNICIPAL CORPORATIONS  
TEMPORARY POSTPONEMENT OF ELECTIONS (OF  
THE MAYORS AND DEPUTY MAYORS DUE TO  
ENSUING GENERAL ELECTIONS TO THE  
STATE LEGISLATIVE ASSEMBLY AND  
CERTAIN OTHER ELECTIONS) ACT, 2004.**

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## MAHARASHTRA ACT No. XVIII OF 2004<sup>1</sup>.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS TEMPORARY  
POSTPONEMENT OF ELECTIONS. (OF THE MAYORS AND DEPUTY  
MAYORS DUE TO ENSUING GENERAL ELECTIONS TO THE STATE  
LEGISLATIVE ASSEMBLY AND CERTAIN OTHER ELECTIONS) ACT, 2004]

(This Act received the assent of the Governor on the  
24th December 2004; assent was first published in  
the *Maharashtra Government Gazette*, Extraordinary,  
Part IV, on the 24th December 2004).

**An Act to provide for temporary postponement of  
elections of the Mayor and Deputy Mayor of certain  
Municipal Corporations on account of ensuing general  
elections to the State Legislative Assembly and certain  
other elections.**

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

AND WHEREAS the Governor of Maharashtra has  
promulgated the Maharashtra Municipal Corporations  
Temporary Postponement of Elections (of the Mayors and  
Deputy Mayors due to ensuing general elections to the State  
Legislative Assembly) Ordinance, 2004 (hereinafter referred  
to as " the said Ordinance " ), on the 21st August 2004, to  
provide for temporary postponement of election of the  
Mayors and Deputy Mayors of certain Municipal Corporations  
for a period of three months on account of general elections  
to the State Legislative Assembly ;

Mah.  
Ord.  
XXVI  
of  
2004.

AND WHEREAS the extended term of the offices of the  
Mayors and Deputy Mayors of certain Municipal Corporations  
was due to expire on the 18th November 2004 ;

AND WHEREAS with a view to further extend the term  
of the office of the Mayors and Deputy Mayors of certain  
Municipal Corporations for a further period of three months  
due to by-elections for filling up of some vacancies in certain  
Municipal Corporations, as well as elections to eleven seats  
to the Maharashtra Legislative Council including six seats  
from local authorities constituencies, the Governor of  
Maharashtra has promulgated the Maharashtra Municipal  
Corporations Temporary Postponement of Elections (of the  
Mayors and Deputy Mayors due to ensuing general elections  
to the State Legislative Assembly) (Amendment)  
Ordinance, 2004 on the 17th November 2004 ;

Mah.  
Ord.  
XXXIII  
of  
2004.

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*,  
dated the 9th December 2004, Extraordinary, Part V-A, p.p. 352-353.

*Postponement of Elections (of the Mayors and Deputy Mayors due to ensuing general elections to the State Legislative Assembly and certain other elections) Act, 2004.*

AND WHEREAS it is expedient to replace the said Ordinance, as amended by the Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors due to ensuing general elections to the State Legislative Assembly) (Amendment) Ordinance, 2004, by an Act of the State Legislature; it is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :—

Mah.  
Ord.  
XXXIII  
of  
2004.

Short title,  
commence-  
ment and  
duration.

1. (1) This Act may be called the Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors due to ensuing general elections to the State Legislative Assembly and certain other elections) Act, 2004.

(2) It shall be deemed to have come into force on the 21st August 2004.

(3) It shall remain in force for a period of six months from the date of commencement of this Act or such earlier date as may be notified by the State Government by issuing a notification in the *Official Gazette*; and shall then expire. Section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act.

Bom. 1  
of  
1904.

Definitions.

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

(a) “Municipal Corporation” means a Municipal Corporation constituted under the Mumbai Municipal Corporations Act, the Bombay Provincial Municipal Corporations Act, 1949, or the City of Nagpur Corporation Act, 1948 ;

Bom.  
III of  
1888.  
Bom.  
LIX of  
1949.  
C.P.  
and  
Berar  
II of  
1950.

(b) “relevant Act”, in relation to a Municipal Corporation, means the relevant Act referred to in clause (a) above ;

(c) words and expressions used in this Act and not defined herein shall, in relation to a Municipal Corporation, have the meanings assigned to them in the relevant Act.

*Postponement of Elections (of the Mayors and Deputy Mayors due to ensuing general elections to the State Legislative Assembly and certain other elections) Act, 2004.*

3. (1) Notwithstanding anything contained in the relevant Act or the rules made thereunder or in any judgment, decree or order of any court,—

Postponement of elections of Mayors and Deputy Mayors and extension of term of their office.

(a) no election to the office of the Mayor and Deputy Mayor of a Municipal Corporation shall be held for a period of six months from the date of coming into force of this Act or such earlier date as may be notified by the State Government by issuing a notification under sub-section (3) of section 1 (hereinafter, in this Act, referred to as " the said period " ) ;

(b) the term of offices of the Mayor and Deputy Mayor to be elected after the said period shall be co-terminus with the term of the elected Councillors.

(2) Notwithstanding anything contained in sub-section (1), after the term of offices of the Mayor and Deputy Mayor as extended by this Act expires, they shall continue to hold office until the new Mayor or Deputy Mayor have been elected under the relevant Act.

4. All the Mayors and Deputy Mayors of the Municipal Corporations, whose term of office is deemed to have been extended or is extended, as the case may be, under section 3, shall, throughout such extended period, be deemed to have been and be competent to exercise all the powers, perform all the duties and discharge all the functions as such Mayor and Deputy Mayor ; and no act done by any of them during the said period shall be invalid, or shall be called in question in any court, merely on the ground that during the extended period such Mayor and Deputy Mayor 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 Mayor and Deputy Mayor under the relevant Acts.

Powers of Mayor and Deputy Mayor whose term of office stands extended and validation of certain acts.

5. Notwithstanding anything contained in this Act, arrangements shall be made by the officers of the Municipal Corporations to hold the Elections of the Mayor and Deputy Mayor of the Municipal Corporations, in accordance with the provisions of the relevant Acts and the rules thereunder, before, or as soon as possible, after the expiration of the term of office of the existing Mayor and Deputy Mayor which stands extended by this Act.

Arrangements to hold elections of the Mayors and Deputy Mayors.

6. 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 provisions of the relevant Act in respect of any matter 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 difficulty.

12010

*Maharashtra Municipal Corporations Temporary [2004 : Mah. XVIII*

*Postponement of Elections (of the Mayors and Deputy Mayors due to ensuing general elections to the State Legislative Assembly and certain other elections) Act, 2004.*

Repeal of  
Mah. Ord.  
XXVI of  
2004 and  
saving.

7. (1) The Maharashtra Municipal Corporations Temporary Postponement of Elections (of the Mayors and Deputy Mayors due to ensuing general elections to the State Legislative Assembly and certain other elections) Ordinance, 2004, is hereby repealed.

Mah.  
Ord.  
XXVI  
of  
2004.

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

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