



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक ३०]

गुरुवार, ऑगस्ट ४, २०२२/श्रावण १३, शके १९४४

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असाधारण क्रमांक ६०

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 Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Ordinance, 2022 (Mah. Ord. VII of 2022), is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

(Translation in English of the Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Ordinance, 2022 (Mah. Ord. VII of 2022), published under the authority of the Governor).

URBAN DEVELOPMENT DEPARTMENT
Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 4th August 2022.

MAHARASHTRA ORDINANCE No. VII OF 2022.

AN ORDINANCE

*further to amend the Mumbai Municipal Corporation Act and the
Maharashtra Municipal Corporations Act .*

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporations Act, for the purposes hereinafter appearing;

III of
1888.
LIX of
1949.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:-

CHAPTER I PRELIMINARY

Short title and commencement.

1. (1) This Ordinance may be called the Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Ordinance, 2022.

(2) It shall come into force at once.

CHAPTER II

AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 5 of III of 1888.

2. In section 5 of the Mumbai Municipal Corporation Act, in sub-section (2), in clause (a), for the words “two hundred and thirty-six” the words “two hundred and twenty-seven” shall be substituted.

III of
1888.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment of section 5 of LIX of 1949.

3. 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 :-

LIX of
1949.

“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, there shall be one additional Councillor, so however that, the maximum number 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, there shall be one additional Councillor, 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, there shall be one additional Councillor, 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, there shall be one additional Councillor, so however that, the maximum number of elected Councillors shall be 161.
(v)	Above 30 lakhs	The minimum number of elected Councillors shall be 161. For every additional population of 1 lakh above 30 lakhs, there shall be one additional Councillor, so however that, the maximum number of elected Councillors shall be 175.”

CHAPTER IV
MISCELLANEOUS

Annulment
of process.

4. Notwithstanding anything contained in the Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporations Act (hereinafter, in this Chapter, referred to as “the said Acts”) and the rules, notifications or orders made thereunder, where the process,-

III
of
1888.
LIX
of
1949.

(a) to divide the area of Municipal Corporations, into wards and to specify the boundaries thereof is started or completed by the State Election Commissioner or the State Government, as the case may be, or

(b) of reservation of seats of Councillors in the Municipal Corporations is started or completed by the State Election Commissioner,

before the date of commencement of the Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Ordinance, 2022, shall be deemed to be annulled and such process shall be done afresh according to the provisions of the said Acts as amended by this Ordinance.

Mah.
Ord. VII
of 2022.

Power to
remove
difficulties.

5. (1) If any difficulty arises in giving effect to the provisions of the said Acts, as amended by this Ordinance, the State Government may, by an order published in the *Official Gazette*, as the occasion arises, make such provisions not inconsistent with the provisions of the said Acts, as amended by this Ordinance, as may appear to it to be necessary or expedient for the purposes of removing the difficulty.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT

Section 5 of the Mumbai Municipal Corporation Act (III of 1888) provides for the number of Councillors directly elected at ward elections in Municipal Corporation of *Brihan* Mumbai and section 5 of the Maharashtra Municipal Corporations Act (LIX of 1949) provides for minimum and maximum number of elected Councillors in proportion to the population of the respective Corporation.

2. By the Maharashtra Act No. II of 2022 and the Maharashtra Act No. XII of 2022, the numbers of Councillors in the Municipal Corporation of *Brihan* Mumbai and minimum and maximum number of elected Councillors of other Corporations have been increased considering growth in urban population and the speed of urbanisation, on the basis of figures of Census 2011 and hypothetical calculation of population in 2021-2022, respectively.

However, it is considered expedient to specify the number of Councillors of Corporations on the basis of figures of population as per Census 2021 after it is completed.

3. The said Corporation Acts are amended by the Maharashtra Act No. XXI of 2022 to take power to the State Government to divide the area of *Brihan* Mumbai into wards and to specify the boundaries thereof, and to specify for each City the number and boundaries of the wards into which such City shall be divided for the purpose of the ward election of Councillor.

The Hon'ble Supreme Court in *Rahul Ramesh Wagh Vs. State of Maharashtra (S.L.P.(C) No. 19756 of 2021)*, has *vide* its orders dated the 4th May 2022 and 20th July 2022, directed the Election Commission to notify the election programme on the basis of delimitation done prior to coming into force of the said amendment Acts w.e.f. the 11th March 2022.

4. In view of the above, it is considered expedient to amend sections 5 of the said Acts, suitably, to reinstate the number of Councillors prior to the Maharashtra Act No. II of 2022 and Maharashtra Act No. XII of 2022.

5. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporations Act, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 3rd August 2022.

BHAGAT SINGH KOSHYARI,
Governor of Maharashtra.

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

SONIA SETHI,
Principal Secretary to Government.