



The Maharashtra Municipal Councils and Municipal Corporations
(Postponement of Election due to Ensuing General Elections to the State
Legislative Assembly) Act, 1977

Act 48 of 1977

Keyword(s):

Administrator, Municipal Council, Municipal Corporation, Relevant Act

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 MAHARASHTRA MUNICIPAL COUNCILS AND MUNICIPAL
CORPORATIONS (POSTPONEMENT OF ELECTIONS DUE
TO ENSUING GENERAL ELECTIONS TO THE STATE
LEGISLATIVE ASSEMBLY) ACT, 1977**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title, commencement and duration.
2. Definitions.
3. Postponement of elections and extension of term of office of Councillors etc.
4. Power to nominate Councillors and Presidents.
5. Powers of Councillors etc., whose term of office stands extended and validation of certain acts.
6. Arrangements to be made to constitute new Municipal Councils or Corporations at the expiry of the extended term of existing Councillors and administrators.
7. Application of relevant Act.
8. Removal of difficulties.

MAHARASHTRA ACT No. XLVIII OF 1977.¹

[THE MAHARASHTRA MUNICIPAL COUNCILS AND MUNICIPAL CORPORATIONS
(POSTPONEMENT OF ELECTIONS DUE TO ENSUING GENERAL ELECTIONS
TO THE STATE LEGISLATIVE ASSEMBLY) ACT, 1977.]

[3rd November 1977]

An Act to provide for further postponement of elections to certain Municipal Councils and Municipal Corporations for a short period on account of ensuing general elections to the State Legislative Assembly.

WHEREAS elections to certain Municipal Councils and Municipal Corporations stood postponed under the Maharashtra Municipal Councils and Municipal Corporations (Postponement of Elections during the Emergency) Act, 1975, but, as the Emergency has been withdrawn, that Act has ceased to be in operation on the 21st September 1977;

AND WHEREAS the elections are required to be held to constitute new Municipal Councils and Municipal Corporations, in place of the existing Municipal Councils and Municipal Corporations, whose term stood extended under that Act;

AND WHEREAS the electoral roll of the Maharashtra Legislative Assembly is the basis for the lists of voters or electoral rolls for elections to the Municipal Councils and Municipal Corporations and the roll of the Assembly is under revision, *inter alia*, for inclusion of the names of such voters or electors as have attained the age of 21 years on the 1st January 1977, and this work of revision is expected to be completed by the end of October 1977;

AND WHEREAS after the revised Assembly roll is available, it would be possible to have upto date lists of voters or electoral rolls and to settle the wards etc., finally for elections to the Municipal Councils and Municipal Corporations;

AND WHEREAS the Collectors and other officers would be engaged in making advance preparations for the ensuing general elections to the State Legislative Assembly;

AND WHEREAS the general elections to the Municipal Councils and Municipal Corporations are proposed to be held simultaneously with, or soon after, the general elections to the Legislative Assembly;

AND WHEREAS the programme for all these elections will have to be adjusted in such manner as to enable the Collectors and other Government and municipal officers, without dislocating their other work, to make proper arrangements for sparing and deployment of the necessary staff and for taking other steps for holding these elections one after the other and to ensure that no inconvenience is caused to the candidates and the voters or electors concerned;

AND WHEREAS, for the reasons stated above, it is necessary to provide for further postponement of these elections for a short period upto and inclusive of the 31st May 1978 and in consequence of such postponement to extend further the term of office of existing Councillors (including Presidents) and administrators of the Municipal Councils and Municipal Corporations concerned and to provide for other connected matters; It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Municipal Councils and Municipal Corporations (Postponement of Elections due to ensuing General Elections to the State Legislative Assembly) Act, 1977.

Short title,
to the commence-
ment and
duration.

¹ For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1977, Part V, Extra., pp. 397-98.

Maharashtra Municipal Councils and Municipal Corporations (Postponement of Elections due to ensuing General Elections in the State Legislative Assembly) Act, 1977 [1977 : Mah. XLVIII]

(2) It shall be deemed to have come into force on the 20th day of September 1977.

(3) It shall remain in force upto and inclusive of the 31st day of May 1978, or such earlier date as may be notified by the State Government 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.
I of
1904.

Definitions.

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

(a) "administrator" means any person, by whatever name called, appointed under or for the purposes of the relevant Act to exercise the powers, perform the duties and discharge the functions of any Municipal Council or Municipal Corporation, which is superseded or dissolved or which is not constituted or reconstituted or has otherwise ceased to exist, and includes an administrator appointed under section 313 of the Maharashtra Municipalities Act, 1965 or under paragraph 22 of Part IV of Appendix IV, to the Bombay Provincial Municipal Corporation Act, 1949;

Mah.
XL of
1965.
Bom.
LIX of
1949.

(b) "Municipal Council" means a Municipal Council constituted under the Maharashtra Municipalities Act, 1965;

Mah.
XL of
1965.

(c) "Municipal Corporation" means a Municipal Corporation constituted under the Bombay Municipal Corporation 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.

(d) "relevant Act", in relation to a Municipal Council, means the Act referred to in clause (b) and, in relation to a Municipal Corporation, means the Act referred to in clause (c) above;

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

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

(a) during the period from the date of commencement of this Act and upto and inclusive of the 31st day of May 1978 or such earlier date as may be notified by the State Government under sub-section (3) of section 1 (hereinafter in this Act referred to as "the said period"), no general election of the Councillors or President of any Municipal Council or of the Councillors of any Municipal Corporation, and no election to fill any casual vacancy of any such Councillor or President, shall be held;

(b) the term of office (including the extended term of office) of all Councillors and Presidents of the Municipal Councils (whether elected, nominated, appointed, co-opted or *ex-officio*) and of all Councillors of the Municipal Corporations (whether elected or nominated), who were in office on the day immediately

Postpone-
ment of
elections and
extension
of term of
office of
Councillors
etc.

preceding the date of commencement of this Act (hereinafter referred to as "the said date") (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 extended, or to be extended, as the case may be; and every such Councillor and President shall continue to hold office during the said period;

(c) the term of office (including the extended term of office) of the administrator or administrators of any Municipal Council or Municipal Corporation, who were in office on the said date (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 extended, or to be extended, as the case may be; and every such administrator (including any person appointed as administrator in his place from time to time) shall hold or continue to hold office during the said period.

(2) Notwithstanding anything contained in sub-section (1), after the term of office of the Councillors, Presidents and administrators of the Municipal Councils and of the Councillors and administrators of the Municipal Corporations as extended by this Act expires, they shall continue to hold office till the day immediately preceding the date on which the first meeting of the newly constituted or reconstituted Municipal Council or Municipal Corporation, as the case may be, is held, where there is a quorum.

4. (1) Notwithstanding anything contained in the last preceding section or in the relevant Act, if, in the opinion of the State Government, by reason of absence of quorum, a Municipal Council or Municipal Corporation is unable to discharge the functions conferred or imposed upon it by or under the relevant Act or any other law for the time being in force, the State Government may, by order, published in the *Official Gazette*, nominate such number of duly qualified persons to be Councillors of such Municipal Council or Municipal Corporation and for such period not exceeding the said period, as it thinks necessary.

Power to nominate Councillors and Presidents.

(2) Notwithstanding anything contained in the last preceding section or in the relevant Act, if there is a vacancy in the office of President of a Municipal Council due to any reason, the State Government may, by order published in the *Official Gazette*, fill the vacancy by nomination of a duly qualified person as the President of that Council during the said period.

5. All Councillors, Presidents and administrators of the Municipal Councils and all Councillors and administrators 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 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, perform all duties and discharge all functions as such Councillors, Presidents or administrators, as the case may be; and no act done by any of them 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 Council, Municipal Corporation, Councillor, President or administrator 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 Council, Corporation, Councillor, President or administrator, as the case may be.

Powers of Councillors etc., whose term of office stands extended and validation of certain acts.

Maharashtra Municipal Councils and Municipal Corporations (Postponement of Elections due to ensuing General Elections to the State Legislative Assembly) Act, 1977 [1977 : Mah. XLVIII]

6. Notwithstanding anything contained in this Act, after a date (being a date before the expiry of the said period) notified by the State Government in the *Official Gazette*, arrangements shall be made by the Collectors and other Government and new municipal officers concerned to constitute or reconstitute new Municipal Councils or Municipal Corporations, as the case may be, in accordance with the provisions of the relevant Act and the rules thereunder, before, or as soon as possible after the expiration of the term of office of the existing Councillors, Presidents and administrators, which stands extended by this Act.
- Arrangements to be made to constitute new Municipal Councils or Corporations at the expiry of extended term of existing Councillors and administrators.
7. Except as otherwise provided by or under this Act, the provisions of the relevant Act shall in all other respects apply in the case of the concerned Municipal Council or Municipal Corporation.
- Application of relevant 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 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 difficulties.