

**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**

18 of 2004

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(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 24th December 2004).

PREAMBLE

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;

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;

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 :--

1. Short Title Commencement Duration :-

(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.

2. Definitions :-

In this Act, unless the context otherwise requires,--

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

(b) "relevant Act", in relation to a Municipal Corporations, 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 Corporations, have the meanings assigned to them in the relevant Act.

3. Postponement Of Elections Of Mayors And Deputy Mayors And Extension Of Term Of Their Office :-

(1) Notwithstanding anything contained in the relevant Act or the rules made thereunder or in any Judgment, decree or order of any court,--

(a) no election to the office of the Mayor and Deputy Mayor of a Municipal Corporations 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. Powers Of Mayor And Deputy Mayor Whose Term Of Office Stands Extended And Validation Of Certain Acts :-

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.

5. Arrangements To Hold Elections Of The Mayors And Deputy Mayors :-

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.

6. Removal Of Difficulty :-

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.

7. Repeal Of Mah. Ord. Xxvi Of 2004 And Saving :-

(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.

(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.