

(Mah. Act No. 36 of 2006)

**L.A. BILL No. CIV OF 2006.**

*A BILL*

*further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*

5 WHEREAS it is expedient further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:—

Mah.  
XL of  
1965.

10 **1.** This Act may be called the Maharashtra Municipal Short title.  
Councils, *Nagar Panchayats* and Industrial Townships (Third  
Amendment) Act, 2006.

HB-2014-1.

Amendment of section 51 of Mah. XL of 1965. 2. In section 51 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act"),— Mah. XL of 1965.

(a) in sub-section (7), for the words "nominating Councillors" the words "electing Vice-President" shall be substituted; 5

(b) sub-section (8) shall be deleted.

Amendment of section 51A of Mah. XL of 1965. 3. In section 51A of the principal Act,—

(a) in sub-section (1), for the words, brackets and figures " in the first general meeting convened under sub-section (9) of section 51" the words, brackets and figures " in the special meeting 10 convened under sub-section (2) of section 51" shall be substituted;

(b) in sub-section (2), the words " by the President and if there is no President then " shall be deleted;

(c) in sub-section (3), the words " the President or" shall be deleted.

Insertion of section 51A-1 of Mah. XL of 1965. 4. After section 51A of the principal Act, the following section shall 15 be inserted, namely :—

Nomination of Councillors. " 51B. (1) The Collector shall, within seven days from the date of election of the President call a special meeting for the purpose of nominating Councillors.

(2) The nomination of the Councillors under clause (b) of sub-section (1) of section 9, shall be made in the prescribed manner." 20

(3) The meeting called under sub-section (1) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the 25 President of a Council when presiding over a meeting of the Council has, but shall not had the right to vote :

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such 30 meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

Amendment of section 63 of Mah. XL of 1965. 5. In section 63 of the principal Act,—

(i) in sub-section (2), for clause (b), the following clause shall be 35 substituted, namely :—

"(b) nominating Councillors on the Subjects Committees in accordance with the provisions of sub-section (2B) : " ;

(ii) for sub-sections (2B), (3), (3A) and (3B), the following sub-sections shall be substituted, namely :—

5 “ (2B) In nominating the Councillors, the Collector shall take into account the relative strength of recognised parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties or groups in the Council, after consulting the leader of each such party or group :

10 Provided that, nothing contained in this sub-section shall be construed as preventing the Collector from nominating on the Committee, any member not belonging to any such party or group.

(2C) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Collector shall be final. ”

15 **6.** In section 64 of the principal Act,—

(i) for the word “ elected ” at both the places where it occurs, the word “ nominated ” shall be substituted ;

(ii) for the word “ election ” the word “ nomination ” shall be substituted.

Amendment  
of section  
64 of Mah.  
XL of 1965.

20 **7.** In section 65 of the principal Act, in sub-section (4), in clause (c), for the words “ holding elections to ” the words “ nominating members on ” shall be substituted.

Amendment  
of section  
65 of Mah.  
XL of 1965.

**8.** In section 66 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

Amendment  
of section  
66 of Mah.  
XL of 1965.

25 “(c) such other members nominated by the Collector, in the manner laid down in sub-section (2B) of section 63, so however that the total members of the Standing Committee shall not exceed the number determined under clause (a) of sub-section (4) of the said section:

30 Provided that, no Councillor shall be eligible to be a member of the Standing Committee, if he is already nominated as a Member of more than one Subjects Committee.”

## STATEMENT OF OBJECTS AND REASONS.

The Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 provides for constitution of Standing Committee and the Subjects Committees. The members of these Committees are appointed by election by the Council.

2. The members of the various Committees of the Maharashtra Legislature are nominated taking into account the relative strength of the recognised parties or groups in proportion to the strength of such parties and groups in both Houses of the State Legislature. This ensures adequate representation to all the recognised parties and groups in the State Legislature.

3. To ensure that all the recognised political parties and groups in the Council are adequately represented in the Committees constituted under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 the Government considers it expedient to amend the said Act to provide for the nomination of members of the Committees in proportion to the strength of political parties or groups in the Council.

4. As per the existing provisions of sections 51 and 51A of the Act, the first general meeting of the Council is held after the general elections for the election of the President and the Vice-President and for the nomination of the Councillors. The experience gained so far reveals that this meeting takes very long time and causes inconvenience to all the concerned. The Government, therefore, considers it expedient to provide that a separate meeting of the Council is held within a period of seven days from the date of the election of the President for the purpose of nomination of the Councils.

5. The Bill is intended to achieve the above objectives.

Nagpur :  
Dated the 11th December 2006.

VILASRAO DESHMUKH,  
Chief Minister.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely : —

*Clause 4.*—Under this clause, which seeks to insert a new section 51B in the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, under subsection (2) thereof, power is taken to the State Government to prescribe by rules, the manner in which the nomination of Councillors shall be made.

2. The above mentioned proposal for delegation of a legislative power is of a normal character.

ANNEXURE TO L. A. BILL No. CIV OF 2006—  
THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR  
PANCHAYATS INDUSTRIAL TOWNSHIPS  
(THIRD AMENDMENT) BILL, 2006

**Extracts from the Maharashtra Municipal Councils,  
Nagar Panchayats and Industrial Townships Act, 1965.  
(Mah. XL of 1965)**

1. to 50.                   \*\*\*                   \*\*\*                   \*\*\*

51. (1) to (6)           \*\*\*                   \*\*\*                   \*\*\*

Election of  
President.

(7) After election of the President, the Council shall continue its meeting for the purpose of nominating Councillors.

(8) The nomination of the Councillors shall be made in the prescribed manner.

(9)                           \*\*\*                   \*\*\*                   \*\*\*

**51A.** (1) Every Council shall have a Vice-President, who shall be elected by the Elected Councillors from amongst themselves in the first general meeting convened under sub-section (9) of section 51.

Appointment  
of Vice-  
President.

(2) The meeting to elect the Vice-President shall be presided over by the President and if there is no President then by the Collector or such officer as the Collector may nominate specially in this behalf, but the Collector or such other Officer shall have no right to vote :

Provided that, notwithstanding anything contained in thi Act or the rule made thereunder, for regulating the procedure at meetings (including the quorum thereeat), the President or, as the case may be, the officer, presiding over such a meeting may, for sufficient reasons to be recorded in writing, refused to adjourn such meeting.

(3) If, in the election of the Vice-President, there is equality of votes, the result of the election shall be decided by the President or the officer presiding over such meeting by drawing lots.

(4) to (7)                   \*\*\*                   \*\*\*                   \*\*\*

51-1A. to 62.           \*\*\*                   \*\*\*                   \*\*\*

63 (1) and (2) (a)   \*\*\*                   \*\*\*                   \*\*\*

Constitution  
of Subjects  
Committees  
of 'A' and 'B'  
Class  
Councils

(b) Holding election to the Subjects Committees in the prescribed manner in accordance with the system of proportional representation by means of the single transferable vote :

Provided that, the President shall not be eligible for being a member of any of the Subjects Committees but he shall have the right to speak in, and otherwise to take part in the proceedings of, any Subjects Committee, except that, he shall not be entitled to vote thereat.

(2A)

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(2B) Any Councillor aggrieved by any decision of the Collector or such officer, accepting or rejecting any nomination paper, may, within forty eight hours from intimation of such decision, present an appeal to the Regional Director of Municipal Administration concerned and simultaneously give notice such appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving reasonable opportunity of being heard to the parties concerned. The decision of the Regional Director on such appeal, and Subject only to such decision (if any), the decision of the Collector or such officer, as the case may be, accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any Court.

(3) If, after elections to all the Subjects Committees are held, it is found that, any Councillor has been elected to more than four Subjects Committees, such a Councillor shall retain the membership of only four such Committees according to his choice and resigned the membership of other such Committees within fifteen days from the date on which such election or last of such election are held, and the resulting vacancies, if any, shall be filled up in the prescribed manner.

(3A) If such Councillor fails to make his choice, within the period prescribed in sub-section (3), the President shall decide any four of the Committees which such Councillor shall serve, and his decision shall be final, and the resulting vacancies, if any, shall be filled up in the prescribed manner.

(3B) (i) If the Council fails to fill up by election any vacancy of a member or members of any of Subjects Committees or if there is failure to elect a member at the fresh election, such vacancy or vacancies may, notwithstanding anything contained in this Chapter, be filled by nomination of a Councillor or Councillors, as the case may be, by the President.

(ii) Any Councillors nominated by the President under clause (i) shall be deemed to be elected under sub-section (2) (b), or section 69, as the case may be.

(iii). Nothing in sub-section (3) shall apply to any Councillors nominated under clause (i).

(4)

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**64.** The Standing Committee referred to in section 62 shall be constituted as under :—

Constitution of Standing Committees of 'A' and 'B' Class Councils.

- (i) Chairman—President of the Council.
- (ii) Members—

(a) Chairman of all Subjects Committees

(b) three members from amongst the Councillors elected in the same manner as prescribed for election of members of the Subjects Committees :

Provided that, no Councillor who is already elected as a member of more than one subjects Committee, shall be eligible to be a member of the Standing Committee.

**65.** (1), (2) and (3A) \*\*\* \*\*

Standing and subjects Committees for "C" Class Councils.

(4) The Collector shall, within seven days of the election of the President under section 51 call a special meeting of the Council for the purpose of,—

- (a) and (b) \*\*\* \*\*

(c) holding elections to the Standing Committee and the Subjects Committee or Committee, if any, in the manner laid down in clause (b) of sub-section (2) of section 63 :

Provided that, the President shall not be eligible for being a member of any of the Subjects Committees, but he shall have the right to speak in, and otherwise to take part in the proceedings of, any Subjects Committee, except that he shall not be entitled to vote thereat.

(4A), (4B) and (5) \*\*\* \*\*

**66.** The Standing Committee referred to in sub-section (1) of the last preceding section shall consist of—

Constitution of Standing Committee of "C" Class Councils.

- (a) and (b) \*\*\* \*\*

(c) such other members elected by the Councillors from amongst their number in the manner laid down in the clause (b) of sub-section (2) of section 63, so however that the total number of members of the Standing Committee shall not exceed the number determined under clause (a) of sub-section (4) of the said section :

Provided that, no Councillor shall be eligible to be a member of the Standing Committees, if he is already elected as a member of more than one Subjects Committee.

**66A to 351.** \*\*\* \*\*

**SCHEDULES.** \*\*\* \*\*

**MAHARASHTRA LEGISLATURE  
SECRETARIAT**

**[ L. A. BILL No. CIV OF 2006. ]**

**[ A Bill further to amend the  
Maharashtra Municipal Councils,  
Nagar Panchayats and Industrial  
Townships Act, 1965.]**

**[ SHRI VILASRAO DESHMUKH,  
Chief Minister.]**

**VILAS PATIL,  
Principal Secretary (I),  
Maharashtra Legislative Assembly.**