



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, जुलै १४, २००६/आषाढ २३, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

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 Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2006 (L. A. Bill No. LXXIV of 2006), introduced in the Legislative Assembly on the 14th July 2006, is hereby published under the authority of the Governor.

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

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. LXXIV OF 2006.

A BILL

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

Mah. XL of 1965. 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 :—

- (1) This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2006. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(४८८)

Amendment
of section 2
of Mah. XL
of 1965.

2. In section 2 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 clause (7),—

(i) the words "the directly elected President" shall be deleted ;

(ii) for sub-clause (ii), the following sub-clause shall be substituted, namely :—

"(ii) to get elected as a President of the Council or a Chairperson of any of the Committees of the Council ;";

(b) for clause (12), the following clause shall be substituted, namely :—

"(12) "election" means an election to a Council, and includes any by-election;"

Amendment
of section 9
of Mah. XL
of 1965.

3. In section 9 of the principal Act, in sub-section (1), in clause (a), the words "the President and" shall be deleted.

Substitution
of section
51 of Mah.
XL of 1965.

4. For section 51 of the principal Act, the following section shall be substituted, namely :—

Election of
President.

"51. (1) Subject to the provisions of section 51-1A every Council shall have a President who shall be elected by the elected Councillors from amongst themselves.

(2) The Collector shall, within twenty-five days from the date on which the names of the Councillors elected to a Council are published or, as the case may be, first published under sub-section (1) of section 19, in the *Official Gazette*, convene a special meeting of the Councillors for election of a President :

Provided that, a meeting under this section shall not be held before the expiry of the term of office of the outgoing Councillors.

(3) The meeting called under sub-section (2) 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 President of a Council when presiding over a meeting of the Council has, but shall not have 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 meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(4) 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 of such appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving a 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.

(5) If, in the election of the President there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine.

(6) Any dispute regarding election of the President shall be referred to the State Government whose decision in that behalf shall be final.

(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) If, there is a vacancy in the office of the President due to any reason whatsoever, then for subsequent election of a President, the same procedure as laid down in sub-sections (2) to (6) (both inclusive) shall apply except that the special meeting shall be called by the Collector within twenty-five days from the date on which the vacancy occurs.”.

5. In section 55 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—

Amendment
of section
55 of Mah.
XL of 1965.

“ Provided that, no such resolution shall be moved,—

(a) within a period of two years from the date of election of the President; and

(b) if the duration of the Council is to expire within a period of six months.”.

Insertion of
section 55A
in Mah. XL
of 1965.

6. After section 55 of the principal Act, the following section shall be inserted, namely :—

Removal of
directly
elected
President
by
Councillors.

“55A. Notwithstanding anything contained in any other provisions of this Act, the provisions of section 55, as it existed on the date immediately preceding the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2006, shall continue to apply for the removal of the directly elected President by the Councillors.”

Mah.
of
2006.

STATEMENT OF OBJECTS AND REASONS

Section 51 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as substituted by Maharashtra Act No. VIII of 2002, provides that every Municipal Council shall have a President, elected by the persons whose names are included in the Municipal Voters List. Prior to the enactment of Mah. Act No. VIII of 2002, the President was to be elected by the elected Councillors of the Municipal Council from amongst themselves.

2. It has been observed that in most of the Municipal Councils, there is no co-operation or the consensus between the directly elected President and the Councillors, thereby adversely affecting various developmental works and schemes to be undertaken by the Municipal Councils.

3. In the *Marathwada Vibhagiya Nagri Vikas Parishad* held at Parbhani, on the 30th January 2006, by all Presidents and Councillors of Municipal Councils in the Marathwada Region, a demand was made that the earlier position providing for election of the President of the Municipal Council from amongst the elected Councillors of that Council, be restored.

4. The experience so far gained has revealed that the provision providing for direct election of the President by the people failed to achieve the desired results. The Government, therefore, considers it expedient to restore the provision of election of the President from amongst the elected Councillors, which was in operation prior to the enactment of Mah. Act No. VIII of 2002.

5. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 12th July 2006.

VILASRAO DESHMUKH,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 1(2).— Under this clause, power is taken to the State Government to appoint, by Notification in *Official Gazette*, the date on which the Act shall come into force.

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