



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ६(५)]

मंगळवार, फेब्रुवारी २५, २०२०/फाल्गुन ६, शके १९४१

[पृष्ठ ६, किंमत : रुपये २७.००

असाधारण क्रमांक ११

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 Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Bill, 2020 (L. A. Bill No. V of 2020), introduced in the Maharashtra Legislative Assembly on the 25th February 2020, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. V OF 2020

A BILL

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

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020, on the 4th February 2020 ;

AND WHEREAS, it is expedient to replace the said Ordinance with minor modifications by an Act of the State Legislature; it is hereby enacted in the Seventy-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020. Short title and commencement.

(2) It shall be deemed to have come into force on the 4th February 2020.

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"), in clause (7), in sub-clause (ii), after the words "to get elected as" the words, figures and letters "a President of the Council in accordance with section 51A-1B under section 51 or" shall be inserted. Mah. XL of 1965.

Insertion of section 51A-1B in Mah. XL of 1965. 3. After section 51A-1A of the principal Act, the following section shall be inserted, namely :—

Non-application of section 51A-1A for election of President of Council. "51A-1B. After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020, in respect of general elections and by-elections to the Council, the provisions of section 51A-1A shall cease to apply and every Council shall have a President who shall be elected under section 51 and the provisions of the said section 51 shall apply therefor." Mah. of 2020.

Amendment of section 51A of Mah. XL of 1965. 4. In section 51A of the principal Act, after sub-section (6A), the following sub-section shall be inserted, namely :—

"(6B) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020, in respect of the general elections and by-elections to the Councils, the provisions of sub-section (6A) shall cease to apply and every Council shall have a Vice-President who shall be elected under section 51A and the provisions of the said section 51A shall apply therefor." Mah. of 2020.

Amendment of section 52 of Mah. XL of 1965. 5. In section 52 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020, the term of office of the President elected in accordance with section 51A-1B under section 51 shall be such as provided in sub-section (1) of this section." Mah. of 2020.

Substitution of section 55 of Mah. XL of 1965. 6. For section 55 of the principal Act, the following section shall be substituted, namely :—

Removal of President by Councillors. "55. (1) The requisition for removal of the President elected under section 51 shall be signed by not less than one-half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector:

Provided that, no such requisition shall be sent within a period of one year from the date of election of such President.

(2) Upon receipt of the requisition under sub-section (1), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition:

Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons.

(3) The Collector shall submit the findings of such enquiry to the Government for taking appropriate action under section 55A.”.

7. In section 58 of the principal Act, in sub-section (1A), for the words, figures and letters “the President directly elected under section 51A-1A shall have power to give the financial sanction to such proposal of development works as may be prescribed by the State Government, from time to time” the words, figures and letters “ the President elected in accordance with section 51 or, as the case may be, the President directly elected under section 51 A-1 A, shall have power to give the financial sanction to such proposal of development works as may be specified by the State Government, by order, from time to time,” shall be substituted.

Amendment of section 58 of Mah. XL of 1965.

8. In section 93 of the principal Act, in sub-section (2), in clause (c), for the proviso, the following proviso shall be substituted, namely :—

Amendment of section 93 of Mah. XL of 1965.

“ Provided that, for such a contract as the State Government may, by order, specify, from time to time, a committee of the President (elected in accordance with section 51, or as the case may be, directly elected under section 51A-1A) and the Chief Officer shall approve such contract, within a period of fifteen days from its receipt.”.

9. After section 341B-1A of the principal Act, the following section shall be inserted, namely :—

Insertion of section 341B-1B of Mah. XL of 1965.

Mah. of 2020. “**341B-1B.** After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020, in respect of the general elections and by-elections to the *Nagar Panchayats*, the provisions of section 341B-1A shall cease to apply and every *Nagar Panchayat* shall have a President who shall be elected under section 341B-1 and the provisions of the said section 341B-1 shall apply therefor.”.

Non-application of section 341B-1A for election of President of *Nagar Panchayats*.

10. In section 341B-2 of the principal Act, after sub-section (6A), the following sub-sections shall be inserted, namely:-

Amendment of section 341B-2 of Mah. XL of 1965.

Mah. of 2020. “(6B) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020, in respect of the general elections and by-elections to the *Nagar Panchayats*, the provisions of sub-section (6A) shall cease to apply and every *Nagar Panchayat* shall have a Vice-President who shall be elected under section 341B-2 and the provisions of the said section 341B-2 shall apply therefor.

Mah. of 2020. (6C) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020, the term of office of Vice-President elected in accordance with sub-section (6B) of section 341B-2 shall be such as provided in sub-section (6) of section 341B-2.”.

- Amendment of section 341B-4 of Mah. XL of 1965. **11.** In section 341B-4 of the principal Act, after sub-section (3), the following sub-section shall be added, namely :—
“(4) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020, the term of office of the President elected in accordance with section 341B-1B under section 341B-1 shall be such as provided in sub-section (1) of this section.”. Mah. of 2020.
- Substitution of section 341B-5 of Mah. XL of 1965. **12.** For section 341B-5 of the principal Act, the following section shall be substituted, namely :—
- Removal of President of *Nagar Panchayats* by Councillors. **“341B-5.** (1) The requisition for removal of the President elected under section 341B-1 shall be signed by not less than one-half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector :
Provided that, no such requisition shall be sent within a period of one year from the date of election of such President.
(2) Upon receipt of the requisition under sub-section (1), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition:
Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons.
(3) The Collector shall submit the findings of the enquiry to the Government for taking appropriate action under section 55A as applicable therefor.”.
- Power to remove difficulty. **13.** (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as the occasion arises, by order published in the *Official Gazette*, do anything not inconsistent with the objects and purposes of the principal Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty :
Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.
(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of State Legislature.
- Repeal of Mah. Ord. IV of 2020 and saving. **14.** (1) The Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020, is hereby repealed. Mah. Ord. IV of 2020.
(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

As per the then existing provisions of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), the President of a Municipal Council and *Nagar Panchayat* is directly elected by the voters of the Council and *Nagar Panchayat* at the general elections thereof.

After taking the review of the then position and with a view to ensure the smooth functioning of the Municipal Councils and *Nagar Panchayats*, the State Government considered it expedient to suitably modify the provisions of the said Act.

2. The proposed amendments aimed,—

(a) to provide that, the President of a Municipal Council and *Nagar Panchayat* shall be elected by their elected Councillors from amongst themselves ;

(b) to increase mutual accountability and understanding amongst President and Councillors ;

(c) to boost the speed of development activities in the municipal areas ; and

(d) to carry out other consequential amendments found to be necessary.

3. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020 (Mah. Ord. IV of 2020), was promulgated by the Governor of Maharashtra on the 4th February 2020.

4. The Bill is intended to replace the said Ordinance by an Act of the State Legislature with minor modifications.

Mumbai,

EKNATH SHINDE,

Dated the 13th February 2020.

Minister for Urban Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 7.—Under this clause, which seeks to amend sub-section (1A) of section 58 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), power is taken to the State Government to specify by order, from time to time, the proposal of the development works to which the President elected in accordance with section 51 or the President directly elected under section 51A-1A, as the case may be, shall have power to give financial section.

Clause 8.—Under this Clause, which seeks to insert the proviso to sub-section (2) of section 93 of the said Act, power is taken to the State Government to specify by order, the category of contract, from time to time, which shall be approved by the Committee consisting of the President (elected in accordance with section 51, or as the case may be, directly elected under section 51A-1A) and the Chief Officer.

Clause 13 (1).—Under this clause, power is taken to the State Government, to remove, by an order published in the *Official Gazette*, any difficulty which may arise in giving effect to the provisions of this Act within a period of two years from the date of commencement of the Act.

(2) The above-mentioned proposals for delegation of legislative power are of normal character.