

L. A. BILL No. XX OF 2022.

A BILL

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

5 WHEREAS both Houses of the State Legislature were not in session;

Mah. XL
of 1965. 10 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
Ord. IV
of 2022. (Amendment) Ordinance, 2022, on the 14th July 2022;

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

Short title and commencement. **1.** (1) This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 14th July 2022.

Amendment of section 51A-1A of Mah. XL of 1965. **2.** In section 51A-1A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Act”), for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Notwithstanding anything contained in section 51, every Municipal Council, to which the general election is to be held after the date of the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022, subject to the provisions of section 51-1A, shall have a President who shall be elected by the persons whose names are included in the Municipal Council voters list prepared under section 11.”.

Deletion of section 51A-1B of Mah. XL of 1965. **3.** Section 51A-1B of the principal Act shall be deleted.

Amendment of section 51A of Mah. XL of 1965. **4.** In section 51A of the principal Act,—
(1) in sub-section (6A), for the words and figures “after the commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016”, the words and figures “after the date of the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022” shall be substituted;

(2) sub-section (6B) shall be deleted.

Substitution of section 52 of Mah. XL of 1965. **5.** For section 52 of the principal Act, the following section shall be substituted, namely:—

Term of Office of President. **“52.** The term of Office of the President shall be five years from the date of his election and his term shall be co-terminus with the term of the Council:

Provided that, nothing in this section shall apply to the President who is holding the Office in respect of the Council for which general elections have been held prior to the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022, and the provisions of this section, as it existed on the date immediately preceding the date of such commencement, shall continue to apply in respect of the term of Office of such President.”.

Amendment of section 341B-1A of Mah. XL of 1965. **6.** In section 341B-1A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Notwithstanding anything contained in section 341B-1, every *Nagar Panchayat*, to which the general election is to be held after the date of the commencement of the Maharashtra Municipal Councils,

Mah. of 2022. *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022, subject to the provisions of section 51-1A, shall have a President who shall be elected by the persons whose names are included in the voters list prepared for elections of Councillors of *Nagar Panchayats* 5 from each ward under section 341B.”.

7. Section 341B-1B of the principal Act shall be deleted.

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

8. In section 341B-2 of the principal Act,—

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

Mah. VIII of 2018. 10 (1) in sub-section (6A), for the words and figures “after the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017”, the words and figures “after the date of the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022” shall be substituted;

(2) sub-sections (6B) and (6C) shall be deleted.

15 9. In section 341B-4 of the principal Act,—

Amendment of section 341B-4 of Mah. XL of 1965.

Mah. VIII of 2018. (1) in sub-section (3), for the words and figures “prior to the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017”, the words and figures “prior to the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2022” shall be substituted;

(2) sub-section (4) shall be deleted.

25 10. (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 occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the principal Act, as amended by this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Power to remove difficulty.

30 Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. Ord. IV of 2022. 11. (1) The Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022, is hereby repealed.

Repeal of Mah. Ord. IV of 2022 and saving.

35 (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of 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 40 amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

After the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020 (Mah. XII of 2020), the Presidents of Municipal Councils and *Nagar Panchayats* under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), were elected by the elected Councillors of the Municipal Councils and *Nagar Panchayats* and their terms of Offices were two and half years from the date of their elections.

2. Elections to a large number of Municipal Councils and *Nagar Panchayats* are due and likely to be held in near future. After taking the review of the present situation and with a view to ensure the smooth functioning of the Municipal Councils and *Nagar Panchayats* and the Offices of the said presiding authorities, it was considered expedient to suitably amend the provisions of the said Act, as follows :—

(i) to provide that the Presidents of the Municipal Councils and *Nagar Panchayats* shall be elected directly by the persons whose names are included in the voters list for elections to the Municipal Councils and *Nagar Panchayats*;

(ii) to provide that the terms of the Offices of the President and Vice-President of the Municipal Councils and *Nagar Panchayats* shall be five years;

(iii) to provide that the requisition for removal of directly elected President shall not be send to the Collector within a period of two and half years from the date of his election;

(iv) 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 for the purposes aforesaid, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022 (Mah. Ord. IV of 2022), was promulgated by the Governor of Maharashtra on the 14th July 2022.

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

Mumbai,

dated the 12th August 2022.

EKNATH SAMBHAJI SHINDE,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 10.—Under this clause, power is taken to the State Government, to issue an order published in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of the Act.

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

**ANNEXURE TO THE L.A. BILL No. XX OF 2022—
THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR
PANCHAYATS AND INDUSTRIAL TOWNSHIPS (AMENDMENT)
BILL, 2022.**

*(Extracts from the Maharashtra Municipal Councils, Nagar Panchayats
and Industrial Township Act, 1965)*

(Mah.XL of 1965)

1. to 51. * * * *

51. A-1A. (1) After the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2016, in respect of the General elections to the Council, subject to the provisions of section 51-1A, every Council shall have a President who shall be elected by the persons whose names are included in the municipal voters list prepared under section 11.

Direct
Election of
President.

(2) to (9) * * * *

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 bye-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.

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

Appointment
of Vice-
President.

(6A). In respect of the Councils to which the President is directly elected after the commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2016, the provisions of this section shall apply with the following modifications :—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

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

(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 bye-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.

51B and 51-1B. * * *

52. (1) The term of office of the President shall be of two and half years.

Terms of
office of
President.

(2) Notwithstanding anything contained in sub-section (1), the term of office of the President, elected under sub-section (1) of section 51A-1A, shall be of five years and shall be co-terminus with the term of the Council.

(3) Nothing in sub-section (2) shall apply to the term of office of the President who are holding the office in respect of the Council for which general elections have been held prior to the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2016 and the provisions of this section, as it existed on the date immediately preceding such date of commencement, shall continue to apply in respect of the term of office of such Presidents.

(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.

53. to 341. B1 * * * *

Direct
Election of
President of
Nagar
Panchayat.

341B—1A. (1) After the date of commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2017, in respect of the general elections to the Nagar Panchayats, subject to the provisions of section 51-1A, every Nagar Panchayat shall have a President who shall be elected by the persons whose names are included in the voters list prepared for elections to wards under section 341B for Nagar Panchayat.

(2) to (9) * * *

Non-
application of
Section 341B-
1 for Election
of President
of Nagar
Panchayat.

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.

341B -1. * * *

Election of
Vice-
President of
Nagar
Panchayat.

341 B-2 (1) to (6) * * *

(6A) In respect of the Nagar Panchayats to which the President is directly elected after the commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2017, the provisions of this section shall apply with the following modifications :—

(1) Every Nagar Panchayat shall have a Vice-President, who shall be elected by the elected Councillors amongst themselves in the first general meeting convened under sub-section (9) of section 341B-1A.

(3) If in the election of Vice-President there is equality of votes, the President elected under section 341B-1A shall have a second or casting vote.

(6) Subject to the provisions of section 55 and other provisions of this Act, the Vice-President shall hold the office for a term five years from the date of his election and his term shall be co-terminus with the term of the Nagar Panchayat.

(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 bye-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.

(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.

(7) * * *

341 B-3. * * *

341 B- 4. (1) and (2) * * *

Term of office
of President
of Nagar
Panchayat.

(3) Nothing in sub-section (2) shall apply to the term of office of the Presidents who are holding the office in respect of the Nagar Panchayats for which general election have been held prior to the date of commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2017 and the provisions of this section, as it existed on the date immediately preceding such date of commencement, shall continue to apply in respect of the term of office of such Presidents.

(4) The provisions of this section shall not apply when the President is elected under section 341B-1A.

341B-5 to 341B-7. * * *

341A to 341S. * * *

342. to 351. * * *

SCHEDULES * * *

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XX OF 2022.]

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

[SHRI EKNATH SAMBHAJI SHINDE,
Chief Minister.]

RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.