

L. A. BILL No. XXII OF 2021

A BILL

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

5 **(As passed by the Legislative Assembly on the 27th December 2021.)**

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

Mah. XL of 1965. 10 Mah. Ord. V of 2021. 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 (Amendment) Ordinance, 2021 on the 1st October 2021 ;

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature; it is hereby enacted in the Seventy-second Year 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, 2021. 5
 (2) It shall be deemed to have come into force on the 1st October 2021.
- Amendment of section 10 of Mah. XL of 1965. **2.** In section 10 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Act”), in sub-section (2), for the proviso, the following proviso shall be substituted, namely :— 10
 “Provided that, after the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2021, in respect of the general elections to the Municipal Councils, each of the wards shall elect as far as possible two Councillors but not more than three Councillors, and each voter shall, notwithstanding anything contained 15
 in sub-section (2) of section 14, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward.”.
- Repeal of Mah. Ord. V of 2021 and saving. **3.** (1) The Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2021, is hereby repealed. Mah. Ord. V of 2021.
 (2) Notwithstanding such repeal, anything done or any action taken 20
 (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, as the case may be, issued 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), each ward in the Municipal Council elects only one Councillor. While dealing with the health emergency within the areas of Municipal Councils in the State, arose due to Covid-19 pandemic, it was felt necessary to have multi-member ward system in civic bodies. After taking the review of such position and with a view to ensure the smooth functioning of the Municipal Councils, the State Government considered it expedient to suitably amend the provisions of the said Act.

2. It was proposed to provide that, each of the wards of the Municipal Councils shall elect two Councillors but not more than three Councillors. For that purpose, it was proposed to amend section 10 of the said Act, suitably.

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 (Amendment) Ordinance, 2021 (Mah. Ord. V of 2021), was promulgated by the Governor of Maharashtra on the 1st October 2021.

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

Mumbai,
Dated the 3rd November, 2021.

EKNATH SHINDE,
Minister for Urban Development.

**ANNEXURE TO THE L.A. BILL No. XXII OF 2021 -
THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR
PANCHAYATS AND INDUSTRIAL TOWNSHIPS (AMENDMENT)
BILL, 2021.**

*(Extracts from the Maharashtra Municipal Councils, Nagar
Panchayats And Industrial Townships Act)*

(Mah. XL of 1965)

1. to 9. * * * *

10. (1) * * * *

(2) Each of the wards shall elect only one Councillor:

Provided that, after the commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016, and Figures but till the day immediately preceding the date of the publication of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2020, in respect of the General elections to the Council, each of the wards shall elect as far as possible two Councillors but not more than three Councillors, and each voter shall, notwithstanding anything contained in sub-section (2) of section 14, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward.

Division of
Municipal
area into
wards and
reservation
of wards
for women,
Scheduled
Castes and
Scheduled
Tribes.

(3) * * * *

(4) * * * *

10A to 10AA. * * * *

11 to 351. * * * *

SCHEDULES. * * * *

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXII OF 2021.]

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

[SHRI EKNATH SHINDE,
Minister for Urban Development.]

**[As passed by the Legislative Assembly
on the 27th December 2021.]**

RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.