



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक ५]

मंगळवार, मार्च १०, २०१५/फाल्गुन १९, शके १९३६

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असाधारण क्रमांक १३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2015 (L.A. Bill No. II of 2015), introduced in the Legislative Assembly on the 10th March 2015, is hereby published under the authority of the Governor.

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

M. A. SAYEED,
Principal Secretary and R.L.A.
to Government,
Law and Judiciary Department.

L. A. BILL No. II OF 2015.

A BILL

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

WHEREAS both Houses of the State Legislature were 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 Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2014 on the 31st December 2014;

(१)

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 31st December 2014.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment of section 5 of LIX of 1949.

2. In section 5 of the Maharashtra Municipal Corporations Act, in sub-section (3), for the portion beginning with the words “elect as far as possible” and ending with the words “as the number of Councillors to be elected in his ward”, the words “elect only one Councillor” shall be substituted.

LIX of 1949.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Amendment of section 10 of Mah. XL of 1965.

3. In section 10 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for sub-section (2), the following sub-section shall be substituted, namely :—

Mah. XL of 1965.

“(2) Each of the wards shall elect only one Councillor.”.

CHAPTER IV

MISCELLANEOUS

Power to remove difficulty.

4. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

LIX of 1949. Mah. XL of 1965.

Provided that, no such order shall be made after 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 the State Legislature.

Repeal of Mah. Ord. XVIII of 2014 and saving.

5. (1) The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2014, is hereby repealed.

Mah. Ord. XVIII of 2014.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, 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 relevant Acts, as amended by this Act.

LIX of 1949. Mah. XL of 1965.

STATEMENT OF OBJECTS AND REASONS

Sub-section (3) of section 5 of the Maharashtra Municipal Corporations Act (LIX of 1949) and sub-section (2) of section 10 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), prior to enactment of Maharashtra Act No. XXVI of 2011, provided that each of the wards of the Municipal Corporations or Councils shall elect only one councillor. In order to implement one-half reservation of seats of councillors for women in the Urban Local Bodies in a proper manner, a multi-member ward system had been introduced by amending the said Acts of 1949 and 1965 by the Maharashtra Act No. XXVI of 2011. By the said Act of 2011, sub-section (3) of section 5 of the Maharashtra Municipal Corporations Act was amended, so as to provide that, each of the wards shall elect as far as possible two councillors but not less than two and not more than three councillors, and each voter shall be entitled to cast the same number of votes, as the number of councillors to be elected in his ward. As also for the same purpose, sub-section (2) of section 10 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 was amended by the said Mah. XXVI of 2011, so as to provide that, each of the wards shall elect as far as possible four Councillors but not less than three and not more than five Councillors, and each voter shall be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward.

2. However, it was observed that election of two or more councillors from each wards in the Corporation or the Council, as the case may be, had resulted in more than one person being responsible for effective administration of the ward and in turn had affected the implementation of development schemes in the wards. It was, therefore, considered expedient to amend the said Municipal Laws to restore the earlier provisions that each of the wards of the Municipal Corporations or Councils shall elect only one councillor.

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 Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2014 (Mah. Ord. XVIII of 2014), was promulgated by the Governor of Maharashtra on the 31st December 2014.

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

Mumbai,
Dated the 2nd March 2015.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

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

Clause 4.—Under this clause, power is taken to the State Government to issue an order for removing any difficulty, which may arise in giving effect to the provisions of the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act.

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