



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ४५(३)]

सोमवार, डिसेंबर १४, २०२०/अग्रहायण २३, शके १९४२ [पृष्ठे ५, किंमत : रुपये २७.००

असाधारण क्रमांक ८९

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 Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2020 (L. A. Bill No. XLVI of 2020), introduced in the Maharashtra Legislative Assembly on the 14th December 2020, is hereby published under the authority of the Governor.

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

BHUPENDRA M. GURAO,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XLVI OF 2020.

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

LIX of 1949. existed which rendered it necessary for him to take immediate action further to
Mah. XL of amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal
1965. Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes
Mah. hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal
Ord. XIX of Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and
2020. Industrial Townships (Amendment) Ordinance, 2020 on the 2nd November 2020 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Seventy-first 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, 2020.

(2) It shall come into force on the 29th October 2020.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment of section 452A of LIX of 1949.

2. In section 452A of the Maharashtra Municipal Corporations Act, after sub-section (1), the following sub-section shall be inserted, namely :—

LIX of 1949.

“(1A) Notwithstanding anything contained in this section, where the State Election Commission has brought to the notice of the State Government that it is not possible for the State Election Commission to conduct the general elections to the Corporation due to outbreak of COVID-19 pandemic in the State, then the State Government may, by order, appoint a Government officer or officers, or extend the period of any officer appointed under sub-section (1), for such period as may be requested by the State Election Commission, to exercise all the powers and to perform all the functions and duties of the Corporation under this Act.”.

CHAPTER III

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

Amendment of section 317 of Mah. XL of 1965.

3. In section 317 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, namely :—

Mah. XL of 1965.

(i) existing section shall be renumbered as sub-section (1) thereof; and
(ii) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

“(2) Notwithstanding anything contained in this section, where the State Election Commission has brought to the notice of the State Government that it is not possible for the State Election Commission to conduct the general elections to the Municipal Council due to outbreak of COVID-19 pandemic in the State, then the State Government may, by order, appoint a Government officer or officers, or extend the period of any officer appointed under sub-section (1), for such period as may be requested by the State Election Commission, to exercise all the powers and to perform all the functions and duties of the Municipal Council under this Act.”.

CHAPTER IV

MISCELLANEOUS

Mah.
Ord. XIX
of 2020.

4. (1) The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2020, is hereby repealed.

Repeal of
Mah. Ord. XIX
of 2020 and
saving.

LIX of
1949.
Mah. XL
of 1965.

(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, as the case may be, issued under the corresponding provisions of the said Acts, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

As per the existing provisions of the Maharashtra Municipal Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), the existing term of five years of the certain urban local bodies is over. However, the State Election Commission communicated that, due to COVID-19 pandemic, it was not possible for the commission to complete the election procedure and to conduct the general elections to such urban local bodies within the time specified therefor and on the requests of the State Election Commission, administrators have been appointed for such urban local bodies by the Government. But as per the existing provisions in the said Municipal laws, the administrator can continue for a maximum period of six months. The State Election Commission had again brought to the notice of the State Government that, the State Election Commission is trying to conduct the general election to the urban local bodies by November or December 2020. But, for this purpose, it may require the period more than the period for which administrators are so appointed, due to outbreak of COVID-19 pandemic.

In view of this, it was expedient to make the suitable provisions in section 452A of the Maharashtra Municipal Corporations Act and in section 317 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, so as to provide that, where the State Election Commission has brought to the notice of the State Government that it is not possible for the State Election Commission to conduct the general elections to the Municipal Corporation, Municipal Council or, as the case may be, *Nagar Panchayat* due to outbreak of COVID-19 pandemic in the State, then the State Government may, by order, appoint a Government officer or officers, or extend the period of any officer appointed under sub-section (1), for such period as may be requested by the State Election Commission, to exercise all the powers and to perform all the function and duties of the Municipal Corporation, Municipal Council or, as the case may be, *Nagar Panchayat* under the relevant laws.

2. 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, 2020 (Mah. Ord. XIX of 2020), was promulgated by the Governor of Maharashtra on the 2nd November 2020.

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

Mumbai,
Dated the 1st December 2020.

EKNATH SHINDE,
Minister for Urban Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 2.—Under this clause, which seeks to insert a new sub-section (1A) to section 452A of the Maharashtra Municipal Corporations Act, power is taken to the State Government to appoint, by an order a Government officer or officers, or extend the period of any officer appointed under sub-section (1), for such period as may be requested by the State Election Commission, to exercise all the powers and to perform all the functions and duties of the Corporation under this Act.

Clause 3.—Under this clause, which seeks to add a new sub-section (2) in section 317 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, power is taken to the State Government to appoint, by an order a Government officer or officers, or extend the period of any officer appointed under sub-section (1), for such period as may be requested by the State Election Commission, to exercise all the powers and to perform all the functions and duties of the Municipal Council or *Nagar Panchayat* as the case may be under this Act.

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