



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ४८]

बुधवार, डिसेंबर ३१, २०१४/पौष १०, शके १९३६

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असाधारण क्रमांक १२०

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) Ordinance, 2014 (Mah. Ord. XVIII of 2014), 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.

[Translation in English of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2014 (Mah. Ord. XVIII of 2014), published under the authority of the Governor].

URBAN DEVELOPMENT DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032,
dated the 31st December 2014.

MAHARASHTRA ORDINANCE No. XVIII OF 2014.

AN ORDINANCE

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 are not in session ;

(१)

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render 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 ;

LIX of
1949.
Mah.
XL of
1965.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

CHAPTER I

PRELIMINARY

Short
title and
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2014.

(2) It shall come into force at once.

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 Ordinance, 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 Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

LIX of
1949.
Mah.
XL of
1965.

(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.

STATEMENT

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 has 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 is 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 is 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 is observed that election of two or more councillors from each wards in the Corporation or the Council, as the case may be, has resulted in more than one person being responsible for effective administration of the ward and in turn has affected the implementation of development schemes in the wards. It is, 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 are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render 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, this Ordinance is promulgated.

Mumbai,

Dated the 31st December 2014.

CH. VIDYASAGAR RAO,

Governor of Maharashtra.

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

MANU KUMAR SRIVASTAVA,
Principal Secretary to Government.