



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ६, अंक ३]

मंगळवार, फेब्रुवारी ४, २०२०/माघ १५, शके १९४१

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असाधारण क्रमांक ४

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 Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020 (Mah. Ord. IV of 2020), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,  
Secretary (Legislation) to Government,  
Law and Judiciary Department.

[Translation in English of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020 (Mah. Ord. IV of 2020), published under the authority of the Governor].

### URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,  
Mumbai 400 032, dated the 4th February 2020.

### MAHARASHTRA ORDINANCE No. IV OF 2020.

#### AN ORDINANCE

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

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate Mah. XL action further to amend the Maharashtra Municipal Councils, *Nagar of 1965. Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ;

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 :—

1. (1) This Ordinance may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020.

Short title  
and  
commencement.

(2) It shall come into force at once.

Amendment of section 2 of Mah. XL of 1965. **2.** In section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Act”), in clause (7), in sub-clause (ii), after the words “to get elected as” the words, figures and letters “a President of the Council in accordance with section 51A-1B under section 51 or” shall be inserted. Mah. XL of 1965.

Insertion of section 51A-1B in Mah. XL of 1965. **3.** After section 51A-1A of the principal Act, the following section shall be inserted, namely :—

Non-application of section 51A-1A for election of President of Council. **“51A-1B.** After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020, in respect of general elections and by-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.”. Mah. Ord. IV of 2020.

Amendment of section 51A of Mah. XL of 1965. **4.** In section 51A of the principal Act, after sub-section (6A), the following sub-section shall be inserted, namely :—

**“(6B)** After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020, in respect of the general elections and by-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.”. Mah. Ord. IV of 2020.

Amendment of section 52 of Mah. XL of 1965. **5.** In section 52 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

**“(4)** After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 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.”. Mah. Ord. IV of 2020.

Substitution of section 55 of Mah. XL of 1965. **6.** For section 55 of the principal Act, the following section shall be substituted, namely :—

Removal of President by Councillors. **“55.** (1) The requisition for removal of the President elected under section 51 shall be signed by not less than one-half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector:

Provided that, no such requisition shall be sent within a period of one year from the date of election of such President.

(2) Upon receipt of the requisition under sub-section (1), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition:

Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons.

(3) The Collector shall submit the findings of such enquiry to the Government for taking appropriate action under section 55A.”

7. In section 58 of the principal Act, in sub-section (1A), for the words, figures and letters “the President directly elected under section 51A-1A shall have power to give the financial sanction to such proposal of development works as may be prescribed by the State Government, from time to time” the words, figures and letters “ the President elected in accordance with section 51A-1B under section 51 or the President directly elected under section 51 A-1 A, or as the case may be, shall have power to give the financial sanction to such proposal of development works as may be specified by the State Government, by order, from time to time,” shall be substituted.

Amendment of section 58 of Mah. XL of 1965.

8. In section 93 of the principal Act, in sub-section (2), in clause (c), for the proviso, the following proviso shall be substituted, namely :—

Amendment of section 93 of Mah. XL of 1965.

“ Provided that, for such a contract as the State Government may, by order, specify, from time to time, a committee of the President (elected in accordance with section 51A-1B under section 51, or as the case may be, directly elected under section 51A-1A) and the Chief Officer shall approve such contract, within a period of fifteen days from its receipt.”.

9. After section 341B-1A of the principal Act, the following section shall be inserted, namely :—

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

Mah. Ord. IV of 2020.

“ **341B-1B.** After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 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.”.

Non-application of section 341B-1A for election of President of *Nagar Panchayats*.

10. In section 341B-2 of the principal Act, after sub-section (6A), the following sub-sections shall be inserted, namely:-

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

Mah. Ord. IV of 2020.

“(6B) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020, in respect of the general elections and by-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.

Mah. Ord. IV of 2020.

(6C) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 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.”.

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

**11.** In section 341B-4 of the principal Act, after sub-section (3), the following sub-section shall be added, namely :—

“(4) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2020, the term of office of the President elected in accordance with section 341B-1B under section 341B-1 shall be such as provided in sub-section (1) of this section.”

Mah.  
Ord. IV  
of 2020.

Substitution  
of section  
341B-5 of  
Mah. XL of  
1965.

**12.** For section 341B-5 of the principal Act, the following section shall be substituted, namely :—

Removal of  
President of  
*Nagar  
Panchayats* by  
Councillors.

“**341B-5.** (1) The requisition for removal of the President elected under section 341B-1 shall be signed by not less than one-half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector :

Provided that, no such requisition shall be sent within a period of one year from the date of election of such President.

(2) Upon receipt of the requisition under sub-section (1), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition:

Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons.

(3) The Collector shall submit the findings of the enquiry to the Government for taking appropriate action under section 55A as applicable therefor.”

Power to  
remove  
difficulty.

**13.** (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Ordinance, the State Government may, as the occasion requires, by order published in the *Official Gazette*, do anything not inconsistent with the objects and purposes of the principal Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of State Legislature.

STATEMENT

As per the existing provisions of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), the President of a Municipal Council and *Nagar Panchayat* is directly elected by the voters of the Council and *Nagar Panchayat* at the general elections of thereof.

After taking the review of the present position and with a view to ensure the smooth functioning of the Municipal Councils and *Nagar Panchayats*, the State Government considers it expedient to suitably modify the provisions of the said Act.

2. The proposed amendments aims,—

(A) to provide that, the President of a Municipal Council and *Nagar Panchayat* shall be elected by their elected Councillors from amongst themselves ;

(B) to increase mutual accountability and understanding amongst President and Councillors ;

(C) to boost the speed of development activities in the municipal areas ; and

(D) to carry out other consequential amendments found to be necessary.

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 Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 2nd February 2020.

BHAGAT SINGH KOSHYARI,

Governor of Maharashtra.

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

MANISHA PATANKAR-MHAISKAR,

Principal Secretary to Government.