



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ७, अंक ४(२)]

गुरुवार, मार्च ४, २०२१/फाल्गुन १३, शके १९४२

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असाधारण क्रमांक ६ 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, 2021 (L. A. Bill No. IV of 2021), introduced in the Maharashtra Legislative Assembly on the 4th March 2021, 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. IV OF 2021.

A BILL

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

WHEREAS it is expedient 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; it is hereby enacted in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2021. Short title.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA
MUNICIPAL CORPORATIONS ACTAmendment
of section
452A of LIX
of 1949,

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

LIX of
1949.

“(1B) 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 it to conduct the general elections to the Corporation within the period specified in the order issued under sub-section (1A), due to COVID-19 pandemic situation 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, for exercising all the powers and performing 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, 1965Amendment
of section 317
of Mah. XL of
1965.

3. In section 317 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, after sub-section (2), the following sub-section shall be added, namely:—

Mah. XL
of 1965.

“(3) 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 it to conduct the general elections to the Municipal Council or *Nagar Panchayat* within the period specified in the order issued under sub-section (2), due to COVID-19 pandemic situation 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, for exercising all the powers and performing all the functions and duties of the Municipal Council or *Nagar Panchayat* under this Act.”.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1A) of section 452A of the Maharashtra Municipal Corporations Act (LIX of 1949) (hereinafter referred to as “the Municipal Corporations Act”) and sub-section (2) of section 317 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) (hereinafter referred to as “the Municipal Councils Act”) provides that, due to outbreak of COVID 19 pandemic in the State, it is not possible for the State Election Commission to conduct the general elections to the Municipal Corporation, Municipal Council or *Nagar Panchayat*, as the case may be, 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, which shall not extend beyond the 30th April 2021, to exercise all the powers and perform all the functions and duties of the Municipal Corporation, Municipal Council or *Nagar Panchayat*, as the case may be, under the said Acts.

2. Now, the State Election Commission has, *inter-alia*, communicated that in case of certain Municipal Corporations, Municipal Councils or *Nagar Panchayats* in the State, election process has been started and it has, planned to conduct the general elections in the first fortnight of April, 2021. It is observed by it that, in certain Districts of the State, there is increase in the COVID-19 cases and restrictions by way of curfew and lockdown have been imposed. Considering the COVID situation, in the particular area, the State Election Commission will take appropriate decision. In view of this, the State Election Commission has requested the State Government to extend the period of appointed officer or officers beyond April 2021.

3. In view of this, it is expedient to make the suitable provisions in section 452A of the Municipal Corporations Act and in section 317 of the Municipal Councils Act, providing that, when the State Election Commission has brought to the notice of the State Government that it is not possible for it to conduct the general elections to the Corporation within the period specified in the order issued under sub-section (1A) of said section 452A or to the Municipal Corporation, Municipal Council or *Nagar Panchayat*, as the case may be, within the period specified in the order issued under sub-section (2) of said section 317, due to COVID-19 pandemic situation 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) of said section 452A or sub-section (1) of said section 317, as the case may be, for such period as may be requested by the State Election Commission, for exercising all the powers and performing all the functions and duties of the Municipal Corporation, Municipal Council or *Nagar Panchayat*, as the case may be, under the said Acts.

4. Therefore, the Government considers it expedient to amend section 452A of the Maharashtra Municipal Corporations Act (LIX of 1949) and section 317 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), suitably, for the above purposes.

5. The Bill intends to achieve the above objectives.

Mumbai,

dated the 3rd March 2021.

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 (1B) 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, for exercising all the powers and for performing all the functions and duties of the Corporation under the said Act.

Clause 3.—Under this clause, which seeks to add a new sub-section (3) 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, for exercising all the powers and for performing all the functions and duties of the Municipal Council or *Nagar Panchayat* under the said Act.

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