



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक २७(२)]

गुरुवार, जुलै १४, २०२२/आषाढ २३, शके १९४४

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असाधारण क्रमांक ५७

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 (Amendment) Ordinance, 2022 (Mah. Ord. IV of 2022), is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,

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

(Translation in English of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022 (Mah. Ord. IV of 2022), published under the authority of the Governor.)

URBAN DEVELOPMENT DEPARTMENT
Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 14th July 2022.

MAHARASHTRA ORDINANCE No. IV OF 2022.

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 action further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing;

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:—

1. (1) This Ordinance may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022. Short title and commencement.

(2) It shall come into force at once.

Amendment of section 51A-1A of Mah. XL of 1965. **2.** In section 51A-1A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Act”), for sub-section (1), the following sub-section shall be substituted, namely:—

Mah. XL of 1965.

“(1) Notwithstanding anything contained in section 51, every Municipal Council, to which the general election is to be held after the date of the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022, subject to the provisions of section 51-1A, shall have a President who shall be elected by the persons whose names are included in the Municipal Council voters list prepared under section 11.”.

Mah. Ord. IV of 2022.

Deletion of section 51A-1B of Mah. XL of 1965.

3. Section 51A-1B of the principal Act shall be deleted.

Amendment of section 51A of Mah. XL of 1965.

4. In section 51A of the principal Act,—

(1) in sub-section (6A), for the words and figures “after the commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016”, the words and figures “after the date of the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022” shall be substituted;

Mah. IX of 2017.

Mah. Ord. IV of 2022.

(2) sub-section (6B) shall be deleted.

Substitution of section 52 of Mah. XL of 1965.

5. For section 52 of the principal Act, the following section shall be substituted, namely:—

Term of Office of President.

“**52.** The term of Office of the President shall be five years from the date of his election and his term shall be co-terminus with the term of the Council:

Provided that, nothing in this section shall apply to the President who is holding the office in respect of the Council for which general Elections have been held prior to the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022, and the provisions of this section, as it existed on the date immediately preceding the date of such commencement, shall continue to apply in respect of the term of office of such President.”.

Mah. Ord. IV of 2022.

Amendment of section 341B-1A of Mah. XL of 1965.

6. In section 341B-1A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Notwithstanding anything contained in section 341B-1, every *Nagar Panchayat*, to which the general election is to be held after the date of the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022, subject to the provisions of section 51-1A, shall have a President who shall be elected by the persons whose names are included in

Mah. Ord. IV of 2022.

the voters list prepared for elections of Councillors of *Nagar Panchayat* from each ward under section 341B.”.

7. Section 341B-1B of the principal Act shall be deleted.

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

8. In section 341B-2 of the principal Act,—

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

Mah. VIII of 2018.
Mah. Ord. IV of 2022.

(1) in sub-section (6A), for the words and figures “after the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017”, the words and figures “after the date of the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022” shall be substituted;

(2) sub-sections (6B) and (6C) shall be deleted.

9. In section 341B-4 of the principal Act,—

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

Mah. VIII of 2018.
Mah. Ord. IV of 2022.

(1) in sub-section (3), for the words and figures “prior to the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017”, the words and figures “prior to the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2022” shall be substituted;

(2) sub-section (4) shall be deleted.

Power to remove difficulty.

10. (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 occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the principal Act, as amended by this Ordinance, which appears to it to be necessary or expedient for the purposes of removing the difficulty.

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

STATEMENT

After the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2020 (Mah. XII of 2020), the Presidents of Municipal Councils and *Nagar Panchayats* under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), are elected by the elected Councillors of the Municipal Councils and *Nagar Panchayats* and their terms of offices are two and half years from the date of their elections.

2. Elections to a large number of Municipal Councils and *Nagar Panchayats* are due and likely to be held in near future. After taking the review of the present situation and with a view to ensure the smooth functioning of the Municipal Councils and *Nagar Panchayats* and the offices of the said presiding authorities, it is considered expedient to suitably amend the provisions of the said Act, as follows:—

(i) to provide that the Presidents of Municipal Councils and *Nagar Panchayats* shall be elected directly by the persons whose names are included in the voters list for elections to the Municipal Councils and *Nagar Panchayats*;

(ii) to provide that the terms of the offices of the President and Vice-President of the Municipal Council and *Nagar Panchayat* shall be five years;

(iii) to provide that the requisition for removal of directly elected President shall not be send to the Collector within a period of two and half years from the date of his election;

(iv) 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 14th July 2022.

BHAGAT SINGH KOSHYARI,

Governor of Maharashtra.

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

SONIA SETHI,

Principal Secretary to Government.