



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक १(८)]

सोमवार, जानेवारी १५, २०१८/पौष २५, शके १९३९

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ८

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) Act, 2017 (Mah. Act. No. VIII of 2018), is hereby published under the authority of the Governor.

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

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

### MAHARASHTRA ACT No. VIII OF 2018.

*(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 15th January 2018).*

An Act further to amend 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

Mah. circumstances existed which rendered it necessary for him to take  
XL of immediate action further to amend the Maharashtra Municipal Councils,  
1965. Mah. *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes  
Ord. hereinafter appearing; and, therefore, promulgated the Maharashtra  
XXV of Municipal Councils, *Nagar Panchayats* and Industrial Townships  
2017. (Amendment) Ordinance, 2017, on the 2nd November 2017;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 2nd November 2017.

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

2. After section 341B-1 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Act”), the following section shall be inserted, namely :—

Mah. XL of 1965.

Direct election of President of *Nagar Panchayat*.

“**341B-1A.** (1) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017, in respect of the general elections to the *Nagar Panchayats*, subject to the provisions of section 51-1A, every *Nagar Panchayat* shall have a President who shall be elected by the persons whose names are included in the voters list prepared for elections to wards under section 341B for *Nagar Panchayat*.

Mah. VIII of 2018.

(2) Every person qualified to be elected as a Councillor to the *Nagar Panchayat* shall be qualified to be elected as a President at an election under sub-section (1).

(3) Election of the President shall be held simultaneously with the general elections of the *Nagar Panchayat* and the procedure regarding holding of elections to the *Nagar Panchayats* shall, *mutatis mutandis*, apply to such election.

(4) If at an election, no President is elected, a fresh election shall be held to elect a President, and if there is a failure to elect a President at the fresh election, such vacancy may, notwithstanding anything contained in this Act, be filled by election by the elected Councillors from amongst themselves.

(5) Any person elected under sub-section (4) or (7) shall be deemed to be duly elected at an election under this section.

(6) If, in the election of the President, there is an equality of votes, the result of the election shall be decided by lots to be drawn by the State Election Commissioner or the officer appointed by him for the purpose.

(7) If, during the term of the elected Councillors, there is a vacancy in the office of the President due to any reason, the same procedure as provided in sub-sections (1) to (6) shall apply and such President shall remain in office only for the remainder of the term, for which his predecessor would have remained in office but for such casual vacancy :

Provided that, if a vacancy occurs, which is within six months prior to the date on which the term of office of the elected Councillor expires, the same shall be filled in by election from amongst the elected Councillors.

(8) In case of a dispute regarding election of the President, the provisions of section 21 shall, *mutatis mutandis*, apply.

(9) The President shall convene first general meeting of the *Nagar Panchayat* within twenty-five days from the date on which the name of the President and the elected Councillors is published in the *Official Gazette* after the general elections of the *Nagar Panchayat* and the President. The nomination of the Councillors under clause (b) of sub-section (1) of section 9 shall be made in the prescribed manner in this meeting by the President elected under this section.”

**3.** In section 341B-2 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely :—

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

Mah.  
VIII of  
2018.

“(6A) In respect of the *Nagar Panchayats* to which the President is directly elected after the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017, the provisions of this section shall apply with the following modifications :—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Every *Nagar Panchayat* shall have a Vice-President, who shall be elected by the elected Councillors amongst themselves in the first general meeting convened under sub-section (9) of section 341B-1A.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) If in the election of Vice-President there is equality of votes, the President elected under section 341B-1A shall have a second or casting vote.”;

(iii) for sub-section (6), the following sub-section shall be substituted, namely :—

“(6) Subject to the provisions of section 55A and other provisions of this Act, the Vice-President shall hold the office for a term of five years from the date of his election and his term shall be co-terminus with the term of the *Nagar Panchayat*.”.

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

Amendment  
of section  
341B-3 of  
Mah. XL of  
1965.

“(4) The provisions of this section shall not apply when the President is elected under section 341B-1A.”.

**5.** Section 341B-4 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1), as so re-numbered, the following sub-sections shall be added, namely :—

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

“(2) Notwithstanding anything contained in sub-section (1), the term of office of the President, elected under sub-section (1) of section 341B-1A, shall be of five years and shall be co-terminus with the term of the *Nagar Panchayat*.

(3) Nothing in sub-section (2) shall apply to the term of office of the Presidents who are holding the office in respect of the *Nagar Panchayats* for which general elections have been held prior to the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017 and the provisions of this section, as it existed on the date immediately preceding such date of commencement, shall continue to apply in respect of the term of office of such Presidents.”.

Mah.  
VIII of  
2018.

**6.** In section 341B-5 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—

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

“ Provided that, no such resolution shall be moved within a period of two years from the date of election of the directly elected President and in case of the President elected by the Councillors from amongst themselves, within one year from the date of such election.”.

Repeal of Mah.  
Ord. XXV of  
2017 and  
saving.

**7. (1)** The Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017, is hereby repealed.

Mah.  
Ord.  
XXV of  
2017.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.