

**Maharashtra Municipal Corporations And Municipal
Councils, Nagar Panchayats And Industrial Townships
(Third Amendment) Act, 2006**

36 of 2006

[13 December 2006]

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PREAMBLE

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

WHEREAS it is expedient further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India, as follows:-

1. Short Title :-

(1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2006.

2. Amendment Of Section 51 Of Mah. XI Of 1965 :-

In section 51 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965) (hereinafter, referred to as "the principal Act"),-

(a) in sub-section (7), for the words "nominating Councillors" the words "electing Vice-President" shall be substituted.

(b) sub-section (8) shall be deleted.

3. Amendment Of Section 51A Of Mah. XI Of 1965 :-

In section 51A of the principal Act,-

(a) in sub-section (1), for the words, brackets and figures "in the first general meeting convened under sub-section (9) of section 51" the words, brackets and figures "in the special meeting convened under sub-section (2) of section 51" shall be substituted.

(b) in sub-section (2), the words "by the President and if there is no President then" shall be deleted.

(c) in sub-section (2), the words "the President or" shall be deleted.

4. Insertion Of Section 51A-1 Of Mah. XI Of 1965 :-

After section 51A of the principal Act, the following section shall be inserted, namely:-

"51A-1. Nomination of Councillors :- (1) The Collector shall. Within seven days from the date of election of the President call a special meeting for the purpose of nominating Councillors.

(2) The nomination of the Councillors under clause (b) of subsection (1) of section 9, shall be made in the prescribed manner.

(3) The meeting called under sub-section (1) shall be presided over by the Collector or such officer as the Collector may by order in Writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a Council when presiding over a meeting of the Council has; but shall not had the right to vote:

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient refuse to adjourn such meeting."

5. Amendment Of Section 63 Of Mah. XI Of 1965 :-

In section 63 of the principal Act,-

(i) in sub-section (2), for clause (b), the following clause shall be substituted, namely:-

"(b) nominating Councillors on the Subjects Committees in accordance with the provisions of sub-section (2B)";

(ii) for sub-sections (2B), (3), (3A) and (3B), the following subsections shall be substituted, namely:-

"(2B) In nominating the Councillors, the Collector shall take into account the relative strength of recognised parties or registered parties or groups and nominate members, as nearly as maybe, in proportion to the strength of such parties or groups in the Council, after consulting the leader of each such party or group:

Provided that nothing contained in this sub-section shall be construed as preventing the Collector from nominating on the Committee any member not belonging to any such party or group:

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this sub-section, the recognised parties or registered parties or groups, or elected Councillor not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members Disqualification Act, 1986 (Mah. XX of 1987), within a period of not more than one month from the date of notification of election results, form the aghadi or front and, on its registration the provisions of the said Act shall apply to the members of such aghadi or front; as if it is a pre-poll aghadi or front.

(2C) If any question arises as regards the number of councillors to be nominated on behalf of such party or group, the decision of the Collector shall be final."

6. Amendment Of Section 64 Of Mah. XI Of 1965 :-

In section 64 of the principal Act,-

(i) for the word "elected" at both the places where it occurs, the word "nominated" shall be substituted;

(ii) for the word "election" the word "nomination" shall be substituted.

7. Amendment Of Section 65 Of Mah. XI Of 1965 :-

In section 65 of the principal Act, in subsection (4), in clause (c), for the words "holding elections to" the words "nominating members on" shall be substituted.

8. Amendment Of Section 66 Of Mah. XI Of 1965 :-

In section 66 of the principal Act, for clause (c), the following clause shall be substituted, namely:-

"(c) such other members nominated by the Collector, in the manner laid down in sub-section (2B) of section 63, so however that the total members of the Standing Committee shall not exceed the number determined under clause (0) of sub-section (4) of the said section:

Provided that, no Councillor shall be eligible to be a member of the Standing Committee, if he is already nominated as a Member of more than one Subjects Committee."