



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, डिसेंबर २९, २००६/पोष ८, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियमन आणि विधी 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 Municipal Councils (Second Amendment) Act, 2006, (Mah. Act No. XLIX of 2006), is hereby published under the authority of the Governor.

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

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XLIX OF 2006

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 29th December 2006).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

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

(१०४)

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006, on the 27th October 2006;

Bom.
III of
1888.
Bom.
LIX of
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL of
1965.

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

Mah.
Ord.
XII of
2006.

Short title
and
commence-
ment.

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

(2) It shall be deemed to have come into force on the 27th October 2006.

Amendment
of section 5B
of Bom. III
of 1888.

2. To section 5B of the Mumbai Municipal Corporation Act, the following provisos shall be added, namely:—

Bom.
III of
1888.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”

Amendment
of section 5B
of Bom. LIX
of 1949.

3. To section 5B of the Bombay Provincial Municipal Corporations Act, 1949, the following provisos shall be added, namely:—

Bom.
LIX of
1949.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

C.P.
and
Berar
II of
1950.

4. To section 9AA of the City of Nagpur Corporation Act, 1948, the following provisos shall be added, namely :—

Amendment
of section
9AA of C.P.
and Berar II
of 1950.

“ Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

Mah.
XL of
1965.

5. To section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the following provisos shall be added, namely :—

Amendment
of section 9A
of Mah. XL
of 1965.

“ Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

Repeal of
Mah. Ord.
XII of 2006
and saving.

6. (1) The Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006, is hereby repealed.

Mah.
Ord.
XII of
2006.

(2) Notwithstanding such repeal, anything done or any action taken under the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant Act, as amended by this Act.

Bom.
III of
1888.
Bom.
LIX of
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL of
1965.