



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ९७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम 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, 2012 (Mah. Act No. XXXIV of 2014), is hereby published under the authority of the Governor.

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

M. A. SAYEED,
Secretary and R.L.A. to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIV OF 2014

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 26th August 2014).

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.

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

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

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 521 of Bom. III of 1888.

2. Section 521 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

Bom. III of 1888.

"(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

49 of 1988.

Insertion of section 521A in Bom. III of 1888.

3. After section 521 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

"521A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19."

2 of 1974.
49 of 1988.

Power of State Government to accord previous sanction.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Amendment of section 482 of Bom. LIX of 1949.

4. In section 482 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), after sub-section (2), the following sub-section shall be added, namely :—

Bom. LIX of 1949.

"(3) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

49 of 1988.

Insertion of section 482A in Bom. LIX of 1949.

5. After section 482 of the Provincial Corporations Act, the following section shall be inserted, namely :—

"482A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19."

2 of 1974.
49 of 1988.

Power of State Government to accord previous sanction.

CHAPTER III

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 394 of C. P. and Berar II of 1950.

6. Section 394 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

C.P. and Berar II of 1950.

"(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

49 of 1988.

7. After section 394 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 394A in C. P. and Berar II of 1950.

2 of 1974.
49 of 1988.

“394A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

Power of State Government to accord previous sanction.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL. of 1965.

8. Section 302 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

Amendment of section 302 of Mah. XL of 1965.

49 of 1988.

“(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988.”.

9. After section 302 of the Municipal Councils Act, the following section shall be inserted, namely :—

Insertion of section 302A in Mah. XL of 1965.

2 of 1974.
49 of 1988.

“302A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

Power of State Government to accord previous sanction.