



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ८५(२)]

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असाधारण क्रमांक १६६

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 Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (third Amendment) Act, 2018 (Mah. Act No. LXV 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,
Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. LXV OF 2018.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 14th December 2018).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and 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 circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and, therefore, promulgated the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2018, on the 27th September 2018 ;

III of
1888.
LIX of
1949.
Mah. XL
of 1965.
Mah.
Ord. XX
of 2018.

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

CHAPTER I

PRELIMINARY.

- Short title and commencement. **1.** (1) This Act may be called the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018.
- (2) It shall be deemed to have come into force on the 27th September 2018.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

- Amendment of section 5B of III of 1888. **2.** In section 5B of the Mumbai Municipal Corporation Act (hereinafter in this Chapter referred to as “Mumbai Corporation Act”),—
- (a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;
- (b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;
- (c) after the second proviso, the following proviso shall be added, namely :—
- “Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.
- Amendment of section 37 of III of 1888. **3.** In section 37 of the Mumbai Corporation Act, in sub-section (2A),—
- (a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;
- (b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;
- (c) after the second proviso, the following proviso shall be added, namely :—
- “Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

- Amendment of section 5B of LIX of 1949. **4.** In section 5B of the Maharashtra Municipal Corporations Act (hereinafter in this Chapter referred to as “Maharashtra Corporations Act”),—
- (a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from the 7th April 2015 ;

(b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“Provided also that, in respect of the undertaking filed by any person under clause (i) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

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2018.

5. In section 19 of the Maharashtra Corporations Act, in sub-section (1B),—

Amendment of
section 19 of
LIX of 1949.

(a) in the first proviso, in clause (i), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“Provided also that, in respect of the undertaking filed by any person under clause (i) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

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2018.

CHAPTER IV

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

Mah. XL
of 1965. 6. In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter in this Chapter referred to as “Municipal Councils Act”),—

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

(a) in the first proviso, in clause (i), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“Provided also that, in respect of the undertaking filed by any person under clause (i) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

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2018.

Amendment of section 51-1B of Mah. XL of 1965.

7. In section 51-1B of the Municipal Councils Act,—

(a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(c) after the second proviso, the following proviso shall be added, namely :—

“Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

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CHAPTER V

MISCELLANEOUS

Saving as to certain elections.

8. Nothing in this Act shall affect the elections conducted by the State Election Commission for conducting the elections or any programme declared by it therefor, prior to the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, for filling up the resultant vacancy in view of the provisions of section 5B or sub-section (2A) of section 37 of the Mumbai Municipal Corporation Act, section 5B or sub-section (1B) of section 19 of the Maharashtra Municipal Corporations Act, section 9A or section 51-1B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as it stood prior to such date of commencement.

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III of 1888. LIX of 1949. Mah. XL of 1965.

Saving as to certain disqualification.

9. Any person, who has obtained the Caste Certificate and validity certificate but has not filed such certificate prior to the date of commencement of this Act, shall not be deemed to be disqualified under the provisions of the relevant Municipal law, if he submits such certificate within a period of fifteen days from the date of commencement of this Act :

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of commencement of this Act held elections to fill the vacancy of such person or declared the programme for holding of such election.

Power to remove difficulty.

10. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

III of 1888. LIX of 1949. Mah. XL of 1965.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. Ord. XX of 2018. **11.** (1) The Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Ordinance, 2018, is hereby repealed. Repeal of Mah. Ord. XX of 2018 and saving.

III of 1888. LIX of 1949. Mah. XL of 1965. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act 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, taken or issued, as the case may be, under the corresponding provisions of the said Acts, as amended by this Act.