



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, जुलै ५, २००६ / आषाढ १४, 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 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 (Amendment) Bill, 2006 (L. C. Bill No. XVI of 2006), introduced in the Maharashtra Legislative Council on the 5th July 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.

### L. C. BILL No. XVI OF 2006.

#### A BILL

*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 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

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

(४४६)

Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

Mah.  
XL of  
1965.

## CHAPTER I

### PRELIMINARY

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2006.
- (2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

## CHAPTER II

### AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Insertion  
of section  
5B in Bom.  
III of 1888.

2. After section 5A of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter referred to as "the Mumbai Corporation Act"), the following section shall be inserted, namely :—

Bom.  
III of  
1888.

Person  
contesting  
election  
for  
reserved  
seat to  
submit  
Caste  
Certificate  
and  
Validity  
Certificate.

"5B. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."

Mah.  
XXIII  
of  
2001.

Amendment of  
section 16 of  
Bom. III of  
1888.

3. In section 16 of the Mumbai Corporation Act, sub-sections (1B) and (1C) shall be deleted.

## CHAPTER III

### AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Insertion of  
section 5 B in  
Bom. LIX of  
1949.

4. After section 5A of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter referred to as "the Provincial Corporations Act"), the following section shall be inserted, namely :—

Bom.  
LIX of  
1949.

- Mah. XXIII of 2001. "5B. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."
- Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.
5. In section 10 of the Provincial Corporations Act, sub-sections (1B) and (1C) shall be deleted.
- Amendment of section 10 of Bom. LIX of 1949.

## CHAPTER IV

## AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

- C.P. and Berar II of 1950. 6. After section 9A of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter referred to as "the Nagpur Corporation Act"), the following section shall be inserted, namely :—
- Insertion of section 9AA in C. P. and Berar II of 1950.
- Mah. XXIII of 2001. "9AA. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."
- Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.
7. In section 15 of the Nagpur Corporation Act, sub-sections (2) and (3) shall be deleted.
- Amendment of section 15 of C. P. and Berar II of 1950.

## CHAPTER V

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

- Mah. XL of 1965. 8. After section 9 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter referred to as "the Municipal Councils Act"), the following section shall be inserted, namely :—
- Insertion of section 9A in Mah. XL of 1965.

Person  
contesting  
election  
for  
reserved  
seat to  
submit  
Caste  
Certificate  
and  
Validity  
Certificate.

“9A. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.”

Mah.  
XXIII  
of  
2001.

Amendment of  
section 16 of  
Mah. XL of  
1965.

9. In section 16 of the Municipal Councils Act, sub-sections (1B) and (1C) shall be deleted.

## STATEMENT OF OBJECTS AND REASONS

The Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) provide for reservation of certain seats of Councillors for the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and Women.

2. It has been brought to the notice of the Government that the Caste Certificate of number of Councillors elected to a seat reserved for the Scheduled Castes, Scheduled Tribes and Other Backward Classes of Citizens were subsequently found to be invalid by the Caste Verification Committee. Such instances, on the one hand, are depriving the lawful candidates from being elected to the reserved seats and on the other hand, are resulting in wastage of public money for holding elections as well as the by-elections to such seats.

In the case of Ramkrishna Mangesh Keni *versus* State of Maharashtra (Writ Petition No. 1587 of 2002), the Bombay High Court has also observed that such events can be avoided if the contesting candidates from the reserved constituencies are first required to get their caste certificates scrutinised by the Caste Verification Committee and attach the same to the nomination form as a condition precedent.

3. The Government, therefore, considers it expedient to provide, by suitably amending the said Acts, that, a person, who desires to contest election to a seat reserved for the reserved category shall submit, at the time of the filing of nomination, the Caste Certificate issued to him by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

4. The Bill is intended to achieve the above objectives.

Mumbai,

Dated the 28th June 2006.

VILASRAO DESHMUKH,

Chief Minister.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of a legislative power, namely:—

*Clause 1(2).*—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

2. The above-mentioned proposal for delegation of a legislative power is of a normal character.