



# महाराष्ट्र शासन राजपत्र

असाधारण  
प्राधिकृत प्रकाशन

मंगळवार, एप्रिल १७, २००७/चैत्र २७, शके १९२९

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, 2007 (L.A. Bill No. XXIX of 2007), introduced in the Maharashtra Legislative Assembly on the 17th April 2007, 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. A. BILL No. XXIX OF 2007.

#### 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.

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 Fifty-eighth Year of the Republic of India as follows :—

- (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2007.
- (2) It shall be deemed to have come into force on the 27th October 2006.

Short title  
and  
commence-  
ment.

(२७३)

- Amendment of section 5B of Bom. III of 1888. 2. In section 5B of the Mumbai Municipal Corporation Act,—  
 (i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;  
 (ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.
- Amendment of section 5B of Bom. LIX of 1949. 3. In section 5B of the Bombay Provincial Municipal Corporations Act, 1949,—  
 (i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;  
 (ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.
- Amendment of section 9AA of C.P. and Berar II of 1950. 4. In section 9AA of the City of Nagpur Corporation Act, 1948,—  
 (i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;  
 (ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.
- Amendment of section 9A of Mah. XL of 1965. 5. In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965,—  
 (i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;  
 (ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.
- Validation and savings. 6. Notwithstanding anything contained in the second proviso to section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, any Councillor elected to reserved seat and who has not received the validity certificate from the Scrutiny Committee within a period of three months from the date of his election shall continue to hold the office of the Councillor for a further period of one month, as if, the period of three months for submission of the Validity Certificate has been extended by a further period of one month ; and any action taken by such Councillor during the period commencing from the expiry of three months from the date of his election and ending on the date of publication of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2007, shall be deemed to have been validly taken and shall not be challenged in any court of law only on the ground that during the period of three months from the date of his election he had not submitted the validity certificate.

## STATEMENT OF OBJECTS AND REASONS

By the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2006 (Mah. XXXV of 2006), 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, have been amended to provide that a person who desires to contest election to a reserved seat shall submit, at the time of 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, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

2. On receiving the number of representations from people's representatives, the Government of Maharashtra, by the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2006 (Mah. XLIX of 2006) amended the aforesaid Acts, with a view to enable the person who has applied for issuance of validity certificate to the Scrutiny Committee but who has not received the validity certificate to contest the elections to the reserved seat on the condition that he will submit, at the time of filing the nomination paper, true copy of the application made by him to the Scrutiny Committee and giving an undertaking that he will produce the validity certificate within a period of three months from the date of his election. Provision is also made in all the aforesaid Acts that if the person fails to produce the validity certificate within a period of three months as per the undertaking given by him, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a councillor.

3. Some of the Councillors elected to reserved seats have represented that the said period of three months is insufficient to obtain the validity certificate and that, as they have not received the validity certificate from the Scrutiny Committee they are unable to submit the validity certificate and therefore the said period of three months may be enhanced.

4. The Government, therefore, considers it expedient to amend the aforesaid Acts with a view to enhance the period during which the person elected to a reserved seat is required to submit the validity certificate from three months to four months from the date of his election.

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

Mumbai,

Dated the 16th April 2007.

VILASRAO DESHMUKH,

Chief Minister.