



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, नोव्हेंबर २८, २००७/अग्रहायण ७, शके १९२९

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

भाग आठ

(अध्यादेश, विधेयके व अधिनियम यांचा 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 (Third Amendment) Bill, 2007 (L. A. Bill No. LXXX of 2007), introduced in the Maharashtra Legislative Assembly on the 28th November 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. LXXX 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 WHEREAS, it is expedient further to amend the Mumbai Municipal
of 1888. Corporation Act, the Bombay Provincial Municipal Corporations Act,
Bom. 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra
LIX of Municipal Councils, Nagar Panchayats and Industrial Townships Act,
1949. 1965, for the purposes hereinafter appearing ; it is hereby enacted in
C.P. and the Fifty-eighth Year of the Republic of India as follows :—
Berar II
of 1950.
Mah.
XL of
1965.

(५०३)

Short title. **1.** This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2007.

Amendment
of section 16
of Bom. III
of 1888.

2. In section 16 of the Mumbai Municipal Corporation Act, after sub-section (1D), the following sub-sections shall be inserted, namely :—

Bom.
III of
1888.

“(1E) If the State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(1F) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1E) or reduce the period of any such disqualification.”

Amendment
of section 10
of Bom. LIX
of 1949.

3. In section 10 of the Bombay Provincial Municipal Corporations Act, 1949, after sub-section (1D), the following sub-sections shall be inserted, namely :—

Bom.
LIX
of
1949.

“(1E) If the State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure,

the State Election Commission may, by order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(1F) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1E) or reduce the period of any such disqualification.”

Amendment
of section 15
of C.P. and
Berar II of
1950.

4. In section 15 of the City of Nagpur Corporation Act, 1948, after sub-section (3), the following sub-section shall be added, namely :—

C.P.
and
Berar
II of
1950.

“(4) (a) If the State Election Commission is satisfied that a person,—

(i) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(ii) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(b) The State Election Commission may, for reasons to be recorded, remove any disqualification under this sub-section or reduce the period of any such disqualification."

Mah.
XL of
1965.

5. In section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, after sub-section (1C), the following sub-sections shall be inserted, namely :—

Amend-
ment of
section 16
of Mah. XL
of 1965.

"(1D) If the State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(1E) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1D) or reduce the period of any such disqualification."

STATEMENT OF OBJECTS AND REASONS

Under Article 243-ZA of the Constitution of India, the superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the Municipalities vest in the State Election Commission consisting of the State Election Commissioner appointed in pursuance of Article 243-K of the Constitution of India.

2. The Maharashtra State Election Commission has, in exercise of its plenary powers fixed the limit of expenditure that may be incurred by the candidates contesting elections to the Municipal Corporation and Municipal Councils and has directed all the contesting candidates to file their account of election expenses within one month from the date of declaration of election results. However, it is observed that these directions are not being scrupulously followed by some of the candidates. Therefore, the State Government, in consultation with the State Election Commission, considers it expedient to make a provision, on the lines of the provisions obtaining in section 10A of the Representation of the People Act, 1951, to empower the State Election Commission to disqualify, for a period of three years, the candidates who fail to submit their account of election expenses within the specified time limit, by suitably amending the relevant provisions of all the municipal laws.

3. It is also proposed to empower the State Election Commission to remove such disqualification or reduce the period of disqualification on the lines of the provisions obtaining in section 11 of the said Act of 1951.

Hence this Bill.

Nagpur,

Dated 26th November, 2007.

VILASRAO DESHMUKH,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 2.—Under this clause, which seeks to insert new sub-section (1E) in section 16 of the Mumbai Municipal Corporation Act, the power is taken to the State Election Commission to declare, by order published in the *Official Gazette*, a person who has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, to be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

Clause 3.—Under this clause, which seeks to insert new sub-section (1E) in section 10 of the Bombay Provincial Municipal Corporations Act, 1949, the power is taken to the State Election Commission to declare, by order published in the *Official Gazette*, a person who has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, to be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

Clause 4.—Under this clause, which seeks to add new sub-section (4) in section 15 of the City of Nagpur Corporation Act, 1948, the power is taken to the State Election Commission to declare, by order published in the *Official Gazette*, a person who has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, to be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

Clause 5.—Under this clause, which seeks to insert new sub-section (1D) in section 16 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the power is taken to the State Election Commission to declare, by order published in the *Official Gazette*, a person who has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, to be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.