



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १०

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 Maharashtra Local Authority Members' Disqualification (Amendment) Bill, 2016 (L. C. Bill No. IV of 2016), introduced in the Maharashtra Legislative Council on the 5th August 2016, is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,
Principal Secretary (Legislation) to Government,
Law and Judiciary Department.

L. C. Bill No. IV OF 2016.

A BILL

further to amend the Maharashtra Local Authority Members' Disqualification Act, 1986.

WHEREAS it is expedient further to amend the Maharashtra Local Authority Members' Disqualification Act, 1986, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Local Authority Members' Disqualification (Amendment) Act, 2016. Short title.

2. In section 3 of the Maharashtra Local Authority Members' Disqualification Act, 1986 (hereinafter referred to as "the principal Act"), in sub-section (1), after clause (b),— Amendment of section 3 of Mah. XX of 1987.

(१)

(a) before the existing proviso, the following proviso shall be added, namely :—

“Provided that, if a councillor or a member belonging to any political party or *aghadi* or front is disqualified under clause (b), he shall be disqualified for being a councillor or a member, for six years, from the date of his disqualification:”;

(b) in the existing proviso, for the words “Provided that” the words “Provided further that” shall be substituted.

Amendment
of section 3A
of Mah. XX of
1987.

3. Section 3A of the principal Act shall be re-numbered as sub-section (1) thereof; and in sub-section (1) as so re-numbered,—

(a) for the words and figure “under section 3” the words, brackets, letter and figures “under clause (a) of sub-section (1) of section 3” shall be substituted ;

(b) before the *Explanation*, the following sub-section shall be inserted, namely :—

“(2) A councillor or, as the case may be, a member belonging to any political party, *aghadi* or front, who is disqualified for being a councillor or, as the case may be, a member under clause (b) of sub-section (1) of section 3, shall also be disqualified to hold any remunerative political post for duration of the period of six years commencing from the date of his disqualification.”.

Amendment
of section 7 of
Mah. XX of
1987.

4. In section 7 of the principal Act, at the end, the following proviso shall be added, namely :—

“ Provided that, the Commissioner or, as the case may be, the Collector shall take such decision within a period of one year.”.

STATEMENT OF OBJECTS AND REASONS.

The Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987), is enacted to prevent the defection in local authorities. Sub-section (1) of section 3 of the said Act provides the grounds of defection for disqualification for being a councillor or member of the local authorities. Section 3A provides for disqualification for appointment on remunerative political post. The said provisions are not adequate and effective to prevent the councillor or member from anti-defection. For the effective action of disqualification intended by the said Act, it is proposed, if a councillor or a member belonging to any political party or *aghad* or front is disqualified under clause (b) of sub-section (1) of section 3, shall be disqualified for being a councillor or a member for six years from the date of his disqualification. It is also proposed that, the Commissioner or, as the case may be, the Collector shall take such decision within a period of one year. The Government therefore, considers it expedient to amend the Maharashtra Local Authority Members' Disqualification Act, 1986, suitably.

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

Mumbai,
Dated the 5th August 2016.

PANKAJA MUNDE,
Minister for Rural Development.