



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुरुवार, ऑक्टोबर १९, २००६/आश्विन २७, शके १९२८

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

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांना. 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 Local Authority Members' Disqualification (Amendment) Ordinance, 2006 (Mah. Ordinance XI of 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.

[Translation in English of the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2006 (Mah. Ord. XI of 2006), published under the authority of the Governor.]

RURAL DEVELOPMENT AND WATER CONSERVATION DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 19th October 2006.

MAHARASHTRA ORDINANCE No. XI OF 2006.

AN ORDINANCE

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

WHEREAS both Houses of the State Legislature are not in session;
AND WHEREAS the Governor of Maharashtra is satisfied that
circumstances exist which render it necessary for him to take immediate
action further to amend the Maharashtra Local Authority Members'
Disqualification Act, 1986, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred upon him by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title
and
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2006.

(2) It shall come into force at once.

Amendment
of section 3
of Mah. XX
of 1987.

2. In section 3 of the Maharashtra Local Authority Members' Disqualification Act, 1986 (hereinafter referred to as "the principal Act"),—

Mah.
XX
of
1987.

(a) in sub-section (1),—

(1) for the words and figures "sections 4 and 5" the word and figure "section 5" shall be substituted;

(2) in the *Explanation*,—

(A) in clause (b),—

(i) for the words "or co-opted councillor or member" the word "councillor" shall be substituted;

(ii) in sub-clause (i), the words "or as the case may be, co-option as such councillor, or as the case may be, member" shall be deleted;

(iii) in sub-clause (ii), the words "or co-opted as such councillor, or as the case may be, member" shall be deleted;

(B) clause (c) shall be deleted;

(b) sub-section (3) shall be deleted;

(c) in sub-section (4),—

(1) the words "or co-opted" shall be deleted;

(2) in sub-clause (b), for the words "or as the case may be, be deemed to be a nominated or co-opted councillor, or as the case may be, a member for the purposes of sub-section (3)" shall be deleted.

Insertion of
section 3A in
Mah. XX of
1987.

3. After section 3 of the principal Act, the following section shall be inserted, namely :—

Disquali-
fication for
appointment
on
remunerative
political post.

"3A. A councillor or as the case may be, a member belonging to any political party, *aghaadi* or front who is disqualified for being a councillor or, as the case may be, a member, under section 3 shall also be disqualified to hold any remunerative political post for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such councillor or, as the case may be, a member, expires or till the date on which he contests an election to a local authority and is declared elected, whichever is earlier.

Explanation.—For the purposes of this section, the expression “remunerative political post” means any office,—

(i) under the State Government where the salary or remuneration for such office is paid out of the public revenue of the State Government or Consolidated Fund of the State ; or

(ii) under a body, whether incorporated or not, which is wholly or partially owned by the State Government and the salary or remuneration for such office is paid by such body ; or

(iii) under a local authority, where the salary or remuneration for such office is paid by the local authority out of such local authority's fund,

except where such salary or remuneration paid is compensatory in nature.”

4. Section 4 of the principal Act shall be deleted.

Deletion of section 4 of Mah. XX of 1987.

5. In section 6 of the principal Act,—

(a) for the words and figures “such split or merger as referred to in section 4 or 5 as the case may be” the words and figure “merger referred to in section 5” shall be substituted;

Amendment of section 6 of Mah. XX of 1987.

(b) in sub-clause (a), the words “split or” shall be deleted ;

(c) in the marginal note, the words “split or” shall be deleted.

STATEMENT

With a view to strengthen and amend the Anti-defection Law as contained in the Tenth Schedule to the Constitution of India, the Parliament has amended the Constitution of India by the Constitution (Ninety-first Amendment) Act, 2003 which provides, *inter alia*, for the deletion of paragraph 3 of the Tenth Schedule to the Constitution pertaining to exemption from disqualification in case of splits and for debarring a defector from holding any public office or remunerative political post for at least the duration of the remaining term of the existing House or until the next fresh elections, whichever is earlier. The Government of Maharashtra considers it expedient to amend the Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987), a law enacted to prevent political defection in certain local authorities, on the lines of the Constitution (Ninety-first Amendment) Act, 2003.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

S. M. KRISHNA,

Dated the 17th October 2006. Governor of Maharashtra.

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

K. S. VATSA,

Secretary to Government.