



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, ऑक्टोबर २७, २००६/कार्तिक ५, 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 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 Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006 (Mah. Ord. XII 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 Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006 (Mah. Ord. XII of 2006), published under the authority of the Governor.)

### URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 27th October 2006.

### MAHARASHTRA ORDINANCE No. XII OF 2006.

#### AN ORDINANCE

*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 both Houses of the State Legislature are not in session ;

(६६९)

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 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 ;

Bom.  
III of  
1888.  
Bom.  
LIX of  
1949.  
C. P.  
and  
Berar II  
of  
1950.  
Mah.  
XL of  
1965.

NOW, THEREFORE, in exercise of the powers conferred 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 Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006.
- (2) It shall come into force at once.

Amendment  
of section 5B  
of Bom. III  
of 1888.

2. To section 5B of the Mumbai Municipal Corporation Act, the following provisos shall be added, namely :—

Bom.  
III of  
1888.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”

Amendment  
of section  
5B of Bom.  
LIX of 1949.

3. To section 5B of the Bombay Provincial Municipal Corporations Act, 1949, the following provisos shall be added, namely :—

Bom.  
LIX  
of  
1949.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

- (i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee ; and
- (ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

C.P.  
and  
Berar  
II of  
1950.

4. To section 9AA of the City of Nagpur Corporation Act, 1948, the following provisos shall be added, namely :—

Amendment  
of section  
9AA of  
C.P. and  
Berar II of  
1950.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

Mah.  
XL of  
1965.

5. To section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the following provisos shall be added, namely :—

Amendment  
of section  
9A of Mah.  
XL of 1965.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

**STATEMENT**

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. Government has received number of representations from people's representatives to the effect that in view of the pendency of large number of applications with the Scrutiny Committees, number of persons desirous of contesting the elections to the reserved seats, will not get the validity certificates issued by the Scrutiny Committees before the date of filing nominations and, as a result, they would be deprived of their right to contest the election. The Government, therefore, considers it expedient to amend the aforesaid Acts with a view to enable the person who has applied for issuance of the validity certificate to the Scrutiny Committee but who has not received the validity certificate to contest the election 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 give an undertaking that he will produce the validity certificate within a period of three months from the date of his election. Provision is also proposed to be made that if he 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. 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 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 aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 27th October 2006.

S. M. KRISHNA,  
Governor of Maharashtra.

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

DR. J. M. PHATAK,  
Principal Secretary to Government.