



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

BOMBAY ACT No. VI OF 1918.

**THE MAHARASHTRA
DISQUALIFICATION OF ALIENS
ACT.**

(As modified up to the 30th April 2013)



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(i)

THE MAHARASHTRA DISQUALIFICATION OF ALIENS ACT.

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[THE MAHARASHTRA DISQUALIFICATION OF ALIENS ACT.]

[17th September 1918]

Repealed in Part by Act 38 of 1920.

Amended by Bom. 4 of 1920.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

„ „ „ by the Adaptation of Laws Order, 1950.

„ „ „ by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

„ „ „ by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 24 of 2012.

An Act to disqualify certain aliens from being members and from voting at elections of members, of certain local authorities in the Presidency of Bombay.

WHEREAS, it is expedient that certain aliens should be disqualified from being members and from voting at elections of members, of certain local authorities in the Presidency of Bombay; It is hereby enacted as follows

1. This Act may be called the ²[the Maharashtra Disqualification of Aliens Short title. Act]. Extent.

³[1-A. This Act extends to the ⁴[Bombay area of the State of Maharashtra]. Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

⁵(a) “alien” means —

(i) a person who is ⁶[not a citizen of India], or

(ii) a person who, whether he is himself within the foregoing definition or not, represents an alien firm as defined in clause (aa) for the purpose of voting at an election of a member of any of the local authorities specified in the Schedule or for the purpose of membership of any of the said authorities;

(aa) “alien firm” means any firm, company, association or body of individuals (whether incorporated or not), a majority of the members of which are aliens as defined in sub-clause (i) of clause (a), or the business of which is carried on under the control or mainly for the benefit of aliens as so defined];

⁷(b)* * * * *

(c) “member” includes a municipal councillor and a member of a body of trustees.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1918, Part-V, page 266; and for Proceedings in Council, see *ibid*, 1918, Part-V. Pages 857 to 889.

² Short title of this Act was amended by Mah. 24 of 2012, s.2, Sch., entry 13, w.e.f. 1-5-1960.

³ This section was inserted by the Bombay Adaptation of Laws (State and Concurrent Subject) Order, 1956.

⁴ These words were substituted for the words “Pre-Reorganisation State of Bombay excluding the transferred territories” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁵ These clauses were substituted for original clause (a) by s. 2 of the Bombay Disqualification to Aliens (Amendment) Act, 1920 (Bom. 4 of 1920).

⁶ These words were substituted for the words “neither a British Subject nor a Subject of the Indian State” by the Adaptation of Laws Order, 1950.

⁷ Clause (b) was omitted by Bom. 9 of 1920, s. 2.

- Disquali- 3. Save as hereinafter otherwise provided, no alien shall be qualified to be a
fication of member any of the local authorities specified in the Schedule or to vote at any
aliens. election of a member of any of the authorities.
- Effect of 4. (1) If any person having become a member of any of the local authorities
subsequent specified in the Schedule, subsequently becomes an alien his seat shall thereupon
disqualifica- become vacant.
tion.
- (2) Section 18 of the ¹City Bombay Municipal Act, 1888, shall be read and Bom. III of
construed as if, after the word "aforesaid", the words "or under the Bombay 1888.
Disqualification of Aliens Act, 1918", were inserted.
- (3) Section 15, sub-section (3) of the ¹Bombay District Municipal Act, 1901 shall Bom. III of
be read and construed as if, after the word "section" the word "or under the 1901.
Bombay Disqualification of Aliens Act, 1918" were inserted.
- Exemption. 5. The ²[³[State] Government] may, by notification in the ⁵[*Official Gazette*],
exempt any person or class of person from the operation of this Act.
- Modification 6. The ²[³[State] Government] may, by notification in the ⁵[*Official Gazette*],
of Schedule. direct that the name of any of the local authorities specified in the Schedule shall
be omitted therefrom, or that the name of any other local authority shall be
entered therein and such direction, shall have effect accordingly.

THE SCHEDULE

Local Authority	Enactment under which the local authority is constituted
The trustees of the Port of Bombay	The Bombay Port Trust Act, 1879 (Bom. VI of 1879).
All Local Boards	⁶ The Bombay Local Boards Act, 1884 (Bom. I of 1884).
⁷ * *	* *
⁸ The Municipal Corporation of the City of Bombay	¹ The City of Bombay Municipal Act, 1888 (Bom. III of 1888).
⁹ * *	* *
The trustees for the improvement of the City of Bombay.	¹⁰ The City of Bombay Improvement Act, (Bom. IV of 1898).
All Municipalities in municipal districts the City of Bombay.	¹¹ The Bombay District Municipal Act, 1910 (Bom. 111 of 1910).

¹ Short title of this Act now stands amended as "the Mumbai Municipal Corporation Act" *vide* Mah. 25 of 1996, s. 2, Sch.

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ The words "with the approval of the Governor-General in Council" were repealed by s. 2 and Schedule-I of the Devolution Act, 1920 (38 of 1920).

⁵ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

⁶ See now Bom. 6 of 1923.

⁷ The entry relating to the trustees of the Port of Karachi was omitted by the Adaptation of Laws Order, 1950.

⁸ See now the Municipal Corporation of Brihan Mumbai *vide* Mah. 25 of 1996, s. 2, Sch.

⁹ The entry relating to the trustees of the Port of Aden as omitted by the Adaptation of Indian Laws Order in Council.

¹⁰ The City of Bombay Improvement Act, 1898 (Bom. 4 of 1898) has been repealed by Bom. 16 of 1925 which in turn is repealed by Bom. 13 of 1933.

¹¹ See now the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965).

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