



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ७, अंक २३(२)]

सोमवार, डिसेंबर ६, २०२१/अग्रहायण १५, शके १९४३

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ४९

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 Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayat* and Industrial Townships (Second Amendment) Ordinance, 2021 (Mah. Ord. XV of 2021), is hereby published under the authority of the Governor.

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

N. P. DHOTE,

Principal Secretary and R. L. A. to Government  
Law and Judiciary Department.

(Translation in English of the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021 (Mah. Ord. XV of 2021), published under the authority of the Governor).

### URBAN DEVELOPMENT DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032,  
dated the 6th December 2021.

### MAHARASHTRA ORDINANCE No. XV OF 2021.

#### AN ORDINANCE

*further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*

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

**AND WHEREAS** the Governor of Maharashtra is satisfied that circumstances exist

III of 1888. which render it necessary for him to take immediate action further to amend the Mumbai  
LIX of 1949. Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the  
Mah. XL of Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965,  
1965. for the purposes hereinafter appearing ;

**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 :—

## CHAPTER I

## PRELIMINARY.

Short title and commencement.

1. (1) This Ordinance may be called the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021.

(2) It shall come into force at once.

## CHAPTER II

## AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 5B of III of 1888.

2. In section 5B of the Mumbai Municipal Corporation Act (hereinafter in this Chapter referred to as "Mumbai Corporation Act"), in the first proviso, for the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters "commencing on the date of commencement of Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021 and ending on the 31st December 2022" shall be substituted.

III of 1888.

Mah. XXI of 2018.

Mah. Ord. XV of 2021.

Amendment of section 37 of III of 1888.

3. In section 37 of the Mumbai Corporation Act, in sub-section (2A), in the first proviso, for the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021 and ending on the 31st December 2022" shall be substituted.

Mah. XXI of 2018.

Mah. Ord. XV of 2021.

## CHAPTER III

## AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment of section 5B of LIX of 1949.

4. In section 5B of the Maharashtra Municipal Corporations Act (hereinafter in this Chapter referred to as "Maharashtra Corporations Act"), in the first proviso, for the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021 and ending on the 31st December 2022" shall be substituted.

LIX of 1949.

Mah. XXI of 2018.

Mah. Ord. XV of 2021.

Amendment of section 19 of LIX of 1949.

5. In section 19 of the Maharashtra Corporations Act, in sub-section (1B), in the first proviso, for the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021 and ending on the 31st December 2022" shall be substituted.

Mah. XXI of 2018.

Mah. Ord. XV of 2021.

CHAPTER IV

AMENDMENTS TO THE MUMBAI MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

- Mah. XL of 1965. **6.** In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter in this Chapter referred to as "Municipal Councils Act"), in the first proviso, for the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021 and ending on the 31st December 2022" shall be substituted. Amendment of section 9A of Mah. XL of 1965.
- Mah. XXI of 2018.
- Mah. Ord. XV of 2021.
- Mah. XXI of 2018. **7.** In section 51-1B of the Municipal Councils Act, in the first proviso, for the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021 and ending on the 31st December 2022" shall be substituted. Amendment of section 51-1B of Mah. XL of 1965.
- Mah. Ord. XV of 2021.



## STATEMENT

Section 5B of the Mumbai Municipal Corporation Act (III of 1888), section 5B of the Maharashtra Municipal Corporations Act (LIX of 1949) and section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), provides that, every person desirous of contesting election to a seat reserved for person belonging to Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Classes of citizens, shall submit, alongwith the nomination paper, Caste Certificate issued 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 (Mah. XXIII of 2001) and the rules made thereunder.

2. The said sections have been amended by the Maharashtra Act No. XXI of 2018 and Maharashtra Act No. LXV of 2018, which permits the candidate to submit, alongwith the nomination papers for election to a reserved seat, a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee; and an undertaking that he shall submit, within a period of twelve months from the date of his election, the Validity Certificate issued by the Scrutiny Committee. As per the amendments made by the Maharashtra Act No. XXI of 2018, such provisions were applicable till 30th June 2019.

3. The Caste Scrutiny Committees are overburdened with the task of issuing the validity certificates and this results in difficulties for the candidates to obtain the Caste Validity Certificate. In view of the provisions of the relevant Municipal law, in case the elected candidate fails to produce the validity certificate, within a period of twelve months from the date of his election, his election shall stand to be terminated retrospectively and shall stand disqualified for holding the post.

4. To ensure that the elected candidates who have already obtained the Caste Certificate would not be disqualified merely because of failure to produce the Caste Validity Certificate issued by the Caste Scrutiny Committee in time as per the undertaking furnished by him, it is considered expedient to provide for extension of period commencing on the date of commencement of the Ordinance and ending on 31st December 2022, to the elected candidates for submitting such certificate. In view of this, it is expedient to suitably amend the sections 5B and 37 of the Mumbai Municipal Corporation Act (III of 1888), sections 5B and 19 of the Maharashtra Municipal Corporations Act (LIX of 1949) and sections 9A and 51-1B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965).

5. 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 (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 5th December 2021.

BHAGAT SINGH KOSHYARI,

Governor of Maharashtra.

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

MAHESH PATHAK,

Principal Secretary to Government.