



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ४८]

शनिवार, जुलै १, २०१७/आषाढ १०, शके १९३९

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असाधारण क्रमांक ९६

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) Ordinance, 2017 (Mah. Ord. XI of 2017), 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 to Government,  
Law and Judiciary Department.

(Translation in English of the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2017 (Mah. Ord. XI of 2017), Published under the authority of the Governor).

### RURAL DEVELOPMENT AND WATER CONSERVATION DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path, Fort, Mumbai 400 001,  
dated the 1st July 2017.

### MAHARASHTRA ORDINANCE No. XI OF 2017.

#### 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

Mah. XX action further to amend the Maharashtra Local Authority Members'  
of 1987. Disqualification Act, 1986, 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 :—

Short title  
and  
commencement.

1. (1) This Ordinance may be called the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2017.

(2) It shall come into force at once.

Amendment  
of section 7  
of Mah. XX  
of 1987.

2. (a) Section 7 of the Maharashtra Local Authority Members' Disqualification Act, 1986, shall be renumbered as sub-section (1) of that section and in sub-section (1) as so renumbered, for the portion beginning with brackets, letters and words “ (ii) in the case of any other councillor or ” and ending with the words “ Collector shall be final ”, the following portion shall be substituted, namely :—

Mah. XX  
of 1987.

“ (ii) in the case of any other councillor or member, to the Collector,

for his decision : ” ;

(b) after sub-section (1) as so-renumbered the following sub-sections shall be added,—

“(2) The decision of the Commissioner or the Collector, as the case may be, shall forthwith be communicated to all concerned.

(3) Any person aggrieved by the decision of the Commissioner or Collector may, prefer an appeal to the State Government within a period of thirty days from the date of such order. ”.

STATEMENT

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 councillor or member of the local authorities. Sub-section (1) of section 3A provides that, if a councillor or a member belonging to any political party or *aghadi* or front is disqualified under clause (b) of sub-section (1) of section 3, he shall be disqualified for being a councillor or a member for six years from the date of his disqualification.

2. Section 7 of the said Act provides that the decision of the Commissioner, in the case of councillor of a Municipal Corporation, and the Collector, in the case of any other councillor or member, regarding such disqualification shall be final.

It is considered to be provided for an opportunity to the aggrieved person to prefer an appeal against such decision. It is, therefore, considered expedient to provide that a person aggrieved by the decision of the Commissioner or Collector, as the case may be, may prefer an appeal to the State Government, within a period of thirty days, from the date of such order. For the purpose, it is proposed to amend section 7 of the said Act, accordingly.

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 Maharashtra Local Authorities Members' Disqualification Act, 1986 (Mah. XX of 1987), for the purposes aforesaid, this ordinance is promulgated.

Mumbai,  
Dated the 30th June 2017.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

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

AASEEM GUPTA,  
Secretary to Government.