



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ६३(२)]

गुरुवार, डिसेंबर ३१, २०१५/पौष १०, शके १९३७

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक १३७

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 Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Act, 2015 (Mah. Act No. XLIII of 2015), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XLIII OF 2015.

(First published after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 31st December 2015).

An Act 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 were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate

action further to amend the Mumbai Municipal Corporation Act, the
III of 1888. Maharashtra Municipal Corporations Act and the Maharashtra Municipal
LIX of 1949. Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the
Mah. XL purposes hereinafter appearing; and, therefore, promulgated the Maharashtra
of 1965. Municipal Corporations and the Maharashtra Municipal Councils, *Nagar*
Mah. *Panchayats* and Industrial Townships (Amendment) Ordinance, 2015 on the
Ord. XIX 5th October 2015 ;
of 2015.

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(१)

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 5th October 2015.

CHAPTER II

AMENDMENT TO MUMBAI MUNICIPAL CORPORATION ACT.

Amendment
of section 16
of III of 1888.

2. In section 16 of the Mumbai Municipal Corporation Act, after sub-section (1A), the following sub-sections shall be inserted, namely :—

III of
1888.

“(1B)(a) A person shall be disqualified for being a Councillor, or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under section 18 or, as the case may be, section 33, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, a Scheduled Tribe or a Backward Class of Citizens (hereinafter referred to as “a reserved category”) on the basis of false claim or a false Caste Certificate declaring that such person belonged to such reserved category.

(b) Such period of disqualification shall be computed with effect from the date of passing of such order by the concerned authority.

(1C) (a) Notwithstanding anything contained in sub-section (1B), a Councillor who has been elected to a reserved seat as mentioned in sub-section (1B), shall be disqualified for being such Councillor consequent upon the concerned Scrutiny Committee constituted under sub-section (1) of section 6 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 or any other competent authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Scrutiny Committee or by the competent authority.

Mah.
XXIII
of
2001.

(b) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (a), the State Government shall, by notification in the *Official Gazette*, disqualify such person for being elected or being a Councillor for a period of six years from the date of such order.”

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

LIX of
1949.

3. In section 10 of the Maharashtra Municipal Corporations Act, after sub-section (1A), the following sub-sections shall be inserted, namely :—

Amendment
of section 10
of LIX of
1949.

“(1B) (a) A person shall be disqualified for being a Councillor, or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under section 12 or, as the case may be, section 16, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, a Scheduled Tribe or a Backward Class of Citizens (hereinafter referred to as “a reserved category”) on the basis of false claim or a false Caste Certificate declaring that such person belonged to such reserved category.

(b) Such period of disqualification shall be computed with effect from the date of passing of such order by the concerned authority.

(1C) (a) Notwithstanding anything contained in sub-section (1B), a Councillor who has been elected to a reserved seat as mentioned in sub-section (1B), shall be disqualified for being such Councillor consequent upon the concerned Scrutiny Committee constituted under sub-section (1) of section 6 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 or any other competent authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Scrutiny Committee or by the competent authority.

(b) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (a), the State Government shall, by notification in the *Official Gazette*, disqualify such person for being elected or being a Councillor for a period of six years from the date of such order.”.

CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah.
XL of
1965.

4. In section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, after sub-section (1A), the following sub-sections shall be inserted, namely :—

Amendment
of section 16
of Mah. XL of
1965.

“(1B) (a) A person shall be disqualified for being a Councillor, or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under section 21 or, as the case may be, section 44, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, a Scheduled Tribe or a Backward Class of Citizens (hereinafter referred to as “a reserved category”) on the basis of false claim or a false Caste Certificate declaring that such person belonged to such reserved category.

Mah.
XXIII
of
2001.

(b) Such period of disqualification shall be computed with effect from the date of passing of such order by the concerned authority.

(1C) (a) Notwithstanding anything contained in sub-section (1B), a Councillor who has been elected to a reserved seat as mentioned in sub-section (1B), shall be disqualified for being such Councillor consequent upon the concerned Scrutiny Committee constituted under sub-section (1) of section 6 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 or any other competent authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Scrutiny Committee or by the competent authority.

Mah.
XXIII of
2001.

(b) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (a), the State Government shall, by notification in the *Official Gazette*, disqualify such person for being elected or being a Councillor for a period of six years from the date of such order.”.

CHAPTER V

MISCELLANEOUS

Power to
remove
difficulty.

5. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

III of
1888.
LIX of
1949.
Mah. XL
of 1965.

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Repeal of Mah.
Ord. XIX of
2015 and
saving.

6. (1) The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2015, is hereby repealed.

Mah.
Ord.
XIX of
2015.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act, or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

III of
1888,
LIX of
1949,
Mah. XL
of 1965.