



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष ७, अंक ७(२)]

बुधवार, डिसेंबर २२, २०२१/पौष १, शके १९४३

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असाधारण क्रमांक २०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on 22nd December 2021 is published under Rule 113 of the Maharashtra Legislative Council Rules :—

L. C. BILL No. IV OF 2021.

A BILL

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;

III of 1888. **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 LIX of 1949. Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, Mah. XL of 1965. for the purposes hereinafter appearing ; and therefore, promulgated the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, Mah. Ord. XV of 2021. *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021 on the 6th December 2021;

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

(१)

CHAPTER I

PRELIMINARY

Short title and commencement.

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

(2) It shall be deemed to have come into force on the 6th December 2021.

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 "the 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 the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2021 and ending on the 31st December 2022" shall be substituted.

III of 1888.

Mah. XXI of 2018.

Mah. 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) Act, 2021 and ending on the 31st December 2022" shall be substituted.

Mah. XXI of 2018.

Mah. 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 "the 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) Act, 2021 and ending on the 31st December 2022" shall be substituted.

LIX of 1949.

Mah. XXI of 2018.

Mah. 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) Act, 2021 and ending on the 31st December 2022" shall be substituted.

Mah. XXI of 2018.

Mah. 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 “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, 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) Act, 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. 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) Act, 2021 and ending on the 31st December 2022” shall be substituted. Amendment of section 51-1B of Mah. XL of 1965.
- Mah. of 2021.

CHAPTER V

MISCELLANEOUS

- Mah. Ord. XV of 2021. 8. (1) The Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2021, is hereby repealed. Repeal of Mah. Ord. XV of 2021 and saving.
- III of 1888. LIX of 1949. Mah. XL of 1965. (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 and 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, as the case may be, issued under the corresponding provisions of the relevant Acts, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

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 laws, 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 was considered expedient to provide for extension of period commencing on the date of commencement of the Act and ending on the 31st December 2022, to the elected candidates for submitting such certificate. In view of this, it was expedient to suitably amend sections 5B and 37 of the Mumbai Municipal Corporation Act, sections 5B and 19 of the Maharashtra Municipal Corporations Act and sections 9A and 51-1B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

5. As both Houses of the State Legislature were not in session and 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 Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes aforesaid, the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) 2021 (Mah. Ord. XV of 2021), was promulgated by the Governor of Maharashtra on the 6th December 2021.

6. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 15th December 2021.

EKNATH SHINDE,
Minister for Urban Development.

Vidhan Bhavan :
Mumbai,
dated the 22nd December 2021.

RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Council.