



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक १९]

शुक्रवार, एप्रिल १०, २०१५/चैत्र २०, शके १९३७

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असाधारण क्रमांक ४२

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 (Second Amendment) Bill, 2015 (L. C. Bill No. IV of 2015), introduced in the Maharashtra Legislative Assembly on the 6th April 2015, is hereby published under the authority of the Governor.

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

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

L. C. BILL No. IV OF 2015.

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.

III
of 1888. WHEREAS it is expedient further to amend the Mumbai Municipal
LIXof Corporation Act, the Maharashtra Municipal Corporations Act and the
1949. Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships
Mah. Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-
XL of sixth Year of the Republic of India as follows :—
1965.

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

Amendment of section 5B of III of 1888. **2.** To section 5B of the Mumbai Municipal Corporation Act (hereinafter referred to as “the Mumbai Corporation Act”), the following provisos shall be added, namely :—

“Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2017, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) 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

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

Amendment of section 37 of III of 1888. **3.** To sub-section (2A) of section 37 of the Mumbai Corporation Act, the following provisos shall be added, namely :—

“Provided that, for the election for the office of the Mayor for which the last date of filing of nomination falls on or before the 31st December 2017, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination paper,-

(i) 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

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being the Mayor.”.

Amendment of section 5B of LIX of 1949. **4.** To section 5B of the Maharashtra Municipal Corporations Act (hereinafter referred to as “the Maharashtra Municipal Corporations Act”), the following provisos shall be added, namely :—

“ Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2017, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his

Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) 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

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

5. To sub-section (1B) of section 19 of the Maharashtra Municipal Corporations Act, the following provisos shall be added, namely :—

Amendment of section 19 of LIX of 1949.

“Provided that, for the election for the office of Mayor for which the last date of filing of nomination falls on or before the 31st December 2017, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) 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

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being the Mayor.”.

Mah. XL of 1965.

6. In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the Municipal Councils Act”), in the first proviso, for the words, figures and letters “before the 31st December 2013” the words, figures and letters “before the 31st December 2017” shall be substituted.

Amendment of section 9A of Mah. XL of 1965.

7. In section 51-1B of the Municipal Councils Act, in the first proviso, for the words, figures and letters “before the 31st December 2013” the words, figures and letters “before the 31st December 2017” shall be substituted.

Amendment of section 51-1B of Mah. XL of 1965.

STATEMENT OF OBJECTS AND REASONS

Section 5B of the Mumbai Municipal Corporation Act (III of 1888) and 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 persons 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 Caste 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. Taking into consideration the admission process to various standards and professional courses, the Caste Scrutiny Committees, which are already overburdened, will have to undertake on priority, the work of scrutiny of the applications for the students, which is a continuous process. This will result in difficulties in obtaining the Caste Validity Certificate from the Caste Scrutiny Committees.

3. On receiving the number of representations from the public and prospective candidates that they would be deprived of the opportunity to contest the election for the reserved posts in the ensuing general elections or bye-elections to Municipal Corporations and Municipal Councils, merely because of the non-issuance of the Caste Validity Certificate by the Caste Scrutiny Committee in time, as the Committees are otherwise overburdened with the verification work, the Government considers it expedient to amend the Section 5B of the Mumbai Municipal Corporation Act (III of 1888) and 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), with a view to allow the persons desirous of contesting election for reserved seats and who is likely to apply to the Caste Scrutiny Committee for obtaining Caste Validity Certificate at the time of filing the nomination, to submit the Caste Validity Certificate within six months from the date on which they are declared elected.

4. Similarly, the Government considers it expedient to amend sub-section (2A) of section 37 of the Mumbai Municipal Corporation Act, sub-section (1B) of section 19 of the Maharashtra Municipal Corporation Act and section 51-1B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, so as to allow the Mayor or, as the case may be, the President elected against the reserved posts, to submit the Caste Validity Certificate within six months from the date on which, they are declared elected.

5. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 6th April 2015.

DEVENDRA FADNAVIS,
Chief Minister.