



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ४६(२)]

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असाधारण क्रमांक ९४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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) Bill, 2019 (L.A. Bill No. XLIV of 2019), introduced in the Maharashtra Legislative Assembly on the **16th December, 2019** is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XLIV OF 2019.

A BILL

further to amend the Maharashtra Local Authority Members' Disqualification Act, 1986.

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

Mah. XX further to amend the Maharashtra Local Authority Members' Disqualification
of 1987. Act, 1986, for the purposes hereinafter appearing ; and, therefore, promulgated the

Mah. Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance,
Ord. 2019 on the 6th August 2019;
XVII of
2019.

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

Short title and commencement.

1. (1) This Act may be called the Maharashtra Local Authority Members' Disqualification (Amendment) Act, 2019.

(2) It shall be deemed to have come into force on the 6th August 2019.

Amendment of section 2 of Mah. XX of 1987.

2. In section 2 of the Maharashtra Local Authority Members' Disqualification Act, 1986, (hereinafter referred to as "the principal Act"), —

Mah. XX of 1987.

(i) for clause (h), the following clause shall be substituted, namely :—

“(h) “Municipal Council” means a Municipal Council constituted under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 and also includes the *Nagar Panchayat* constituted under the said Act ;”;

Mah. XL of 1965.

(ii) in clause (m), after sub-clause (iii), the following sub-clause shall be added, namely :—

“(iv) in relation to the Municipal Council, means the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965;”.

Mah. XL of 1965.

Repeal of Mah. Ord. XVII of 2019 and saving.

3. (1) The Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2019, is hereby repealed.

Mah. Ord. XVII of 2019.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, 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.

STATEMENT OF OBJECTS AND REASONS

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 *aghad* 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. In view of the provisions of clause (a) of article 243Q of the Constitution of India (as inserted by the Constitution 74th Amendment Act, 1992) and section 341-A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, a *Nagar Panchayat* is constituted in respect of transitional area, being an area in transition from a rural area to an urban area.

3. With a view to include the Councillor of the *Nagar Panchayat* within the ambit to the Maharashtra Local Authority Members' Disqualification Act, 1986 so as to prevent their defection, it was considered expedient further to amend the said Act of 1986, suitably.

4. 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 Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987) for the purposes aforesaid, the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2019 (Mah. Ord. XVII of 2019) was promulgated by the Governor of Maharashtra on the 6th August 2019.

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

Mumbai,

Dated the 15th December, 2019.

CHAGAN CHANDRAKANT BHUJBAL,

Minister for Rural Development.