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मंगळवार ११ डिसेंबर ११, २०१२/अग्रहायण २०, शके १९३४

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on the 11th December, 2012 is published under Rule 113 of the Maharashtra Legislative Councils Rules :-

L. C. BILL No. XIII OF 2012.

A BILL

for to amend 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 Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2012, on the 8th October 2012 ;

Mah.
XL of
1965.
Mah.
Ord.
X of
2012.

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

1. (1) This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2012. Short title and commencement.

(2) It shall be deemed to have come into force on the 8th October 2012.

Mah. XL of 1965. 2. To section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Act”), the following provisos shall be added, namely :— Amendment of section 9A of Mah. XL of 1965.

“Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2013, 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 of 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 on which he is declared elected, 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 on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

3. To section 51-1B of the principal Act, the following provisos shall be added, namely :— Amendment of section 51-1B of Mah. XL of 1965.

“Provided that, for the elections for the post of President for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme, 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

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(ii) an undertaking that, he shall submit, within a period of six months from the date on which he is declared elected, 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 on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a President.”.

Repeal of
Mah. Ord.
X of 2012
and saving.

4. (1) The Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2012, is hereby repealed.

Mah.
Ord.
X of
2012.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) provided that a person who desires to contest election to a reserved seat shall submit, alongwith the nomination papers, the Caste Certificate issued to him 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).

2. The general elections of approximately ten Municipal Councils were scheduled to be held in October 2012 and preliminary work for holding those elections had already commenced. Such elections of other Municipal Councils are also likely to be held in near future. Taking into consideration the pendency of large number of applications with the Scrutiny Committee, number of persons desirous of contesting the elections to the reserved seats would not have got the Validity Certificate issued by the Scrutiny Committee before the date of filing nomination and as a result, they would have been deprived of their right to contest the election. The Government, therefore, considered it expedient to amend the said Act with a view to allow the persons desirous of contesting election for reserved seats and who had applied 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 were declared elected. Similarly, the Government considered it expedient to amend section 51-1B of the said Act to allow Presidents of the Councils elected against reserved post, to submit the Validity Certificate within six months from the date on which they were declared elected.

3. 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 Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2012 (Mah. Ord. X of 2012), was promulgated by the Governor of Maharashtra on the 8th October 2012.

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

Mumbai,
Dated the 21st November, 2012.

VIDHAN BHAVAN
Nagpur

Dated the 11th December, 2012

PRITHVIRAJ CHAVAN,
Chief Minister.

DR. ANANT KALSE,
Principal Secretary

Maharashtra legislative Council