



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ५६(३)]

सोमवार, जुलै २४, २०१७/श्रावण २, शके १९३९

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असाधारण क्रमांक १०८

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 Local Authority Members' Disqualification (Amendment) Bill, 2017 (L. A. Bill No. XXXVIII of 2017), introduced in the Maharashtra Legislative Assembly on the 24th July 2017, is hereby published under the authority of the Governor.

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

N. J. JAMADAR,  
Principal Secretary and R. L. A. to Government,  
Law and Judiciary Department.

### L. A. BILL No. XXXVIII OF 2017.

#### 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

Mah. XX immediate action further to amend the Maharashtra Local Authority Members' Disqualification Act, 1986, for the purposes hereinafter appearing ;

Mah. and, therefore, promulgated the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2017 on 1st July 2017;

Ord. XI of 2017.

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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-eighth 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, 2017.

(2) It shall be deemed to have come into force on 1st July 2017.

Amendment  
of section 7  
of Mah. XX  
of 1987.

**2.** (a) Section 7 of the Maharashtra Local Authority Members' Disqualification Act, 1986 (hereinafter referred to as "the principal Act"), shall be renumbered as sub-section (1) of that section and in sub-section (1) as so renumbered, for the portion beginning with brackets, letters and words " (ii) in the case of any other councillor or " and ending with the words " Collector shall be final ", the following portion shall be substituted, namely :—

" (ii) in the case of any other councillor or member, to the Collector,

for his decision : " ;

(b) after sub-section (1) as so-renumbered the following sub-sections shall be added,—

"(2) The decision of the Commissioner or the Collector, as the case may be, shall forthwith be communicated to all concerned.

(3) Any person aggrieved by the decision of the Commissioner or Collector may, prefer an appeal to the State Government within a period of thirty days from the date of such order. "

Repeal of  
Mah. Ord.  
XI of 2017  
and saving.

**3.** (1) The Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2017, is hereby repealed. Mah. Ord. XI of 2017.

(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 *aghadi* 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. Section 7 of the said Act provides that the decision of the Commissioner, in the case of councillor of a Municipal Corporation, and the Collector, in the case of any other councillor or member, regarding such disqualification shall be final.

It was considered to provide for an opportunity to the aggrieved person to prefer an appeal against such decision. It was, therefore, considered expedient to provide that a person aggrieved by the decision of the Commissioner or Collector, as the case may be, may prefer an appeal to the State Government, within a period of thirty days, from the date of such order. For the purpose, it was proposed to amend section 7 of the said Act, accordingly.

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 Local Authorities Members' Disqualification Act, 1986 (Mah. XX of 1987), for the purposes aforesaid, the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2017 (Mah. Ord. XI of 2017), was promulgated by the Governor of Maharashtra on the 1st July 2017.

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

Mumbai,  
Dated the 18th July 2017.

PANKAJA MUNDE,  
Minister for Rural Development.