



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ४४]

मंगळवार, मे ३०, २०१७/ज्येष्ठ ९, शके १९३९

[ पृष्ठे ५, किंमत : रुपये २७.००

असाधारण क्रमांक ९१

### 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 Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment and Continuance) Ordinance, 2017 (Mah. Ord. VIII of 2017), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,  
Law and Judiciary Department.

[Translation in English of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment and Continuance) Ordinance, 2017 (Mah. Ord. VIII of 2017), published under the authority of the Governor].

### URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,  
Mumbai 400 032, dated the 30th May 2017.

### MAHARASHTRA ORDINANCE No. VIII OF 2017.

#### AN ORDINANCE

*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.*

Mah. Ord. VI of 2017. WHEREAS the Governor of Maharashtra has promulgated the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017 (hereinafter referred to as "the said Ordinance"), on the 2nd February 2017 ;

AND WHEREAS upon the reassembly of the State Legislature on the 6th March 2017, the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2017 (L. A. Bill No. IV of 2017), for converting the said Ordinance into an Act of the State

Legislature, was passed by the Maharashtra Legislative Assembly on the 16th March 2017 and was transmitted to the Maharashtra Legislative Council ;

AND WHEREAS thereafter as the Maharashtra Legislative Council was prorogued on the 7th April 2017, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance has ceased to operate at the expiration of six weeks from the reassembly of the State Legislature, that is, on the 16th April 2017 ;

AND WHEREAS it is considered expedient to continue the operation of the provisions of the said Ordinance ;

AND WHEREAS both Houses of the State Legislature are not in session ; and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

#### CHAPTER I

##### PRELIMINARY.

Short title and commencement. 1. (1) This Ordinance may be called the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment and Continuance) Ordinance, 2017.

(2) It shall be deemed to have come into force on the 2nd February 2017.

#### CHAPTER II

##### AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 16 of III of 1888. 2. In section 16 of the Mumbai Municipal Corporation Act, in sub-section (1), in clause (h), after the words “ a certificate of Assistant Commissioner ” the words “ or a self-certificate by such person ” shall be inserted.

#### CHAPTER III

##### AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment of section 10 of LIX of 1949. 3. In section 10 of the Maharashtra Municipal Corporations Act, in sub-section (1), in clause (k), after the words “ a certificate of the Ward Officer of the concerned corporation ” the words “ or a self-certificate by such person ” shall be inserted.

#### CHAPTER IV

##### AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS,

##### *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Amendment of section 16 of Mah. XL of 1965. 4. In section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (1), in clause (m), after the words “ a certificate of the Authorised Officer of the concerned Council ” the words “ or a self-certificate by such person ” shall be inserted.

CHAPTER V

MISCELLANEOUS

- Mah. Ord. VI of 2017. **5. (1)** The Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017, is hereby repealed.
- Repeal of Mah. Ord. VI of 2017 and saving.
- (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 Ordinance.
- III of 1888. LIX of 1949. Mah. XL of 1965. **6.** For the removal of doubt, it is hereby declared that all the 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 Mumbai Municipal Corporations and the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017, shall continue to be in force and be deemed to be continuously in force.
- Removal of doubt.
- Mah. Ord. VI of 2017.

## STATEMENT

Section 16 of the Mumbai Municipal Corporation Act (III of 1888), section 10 of the Maharashtra Municipal Corporations Act (LIX of 1949) and section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), respectively, provide for disqualifications of a person for being elected or for being a Councillor of the Corporation or Council under the relevant Act.

Under the aegis of the *Swachh Bharat Mission* of the Central Government, the *Swachh Maharashtra Mission* (Urban) is being implemented in the State. With a view to implement the State Mission and to ensure that the Councillors play a vital role in making cities defecation-free, sub-section (1) of the section 16, sub-section (1) of the section 10 and sub-section (1) of the section 16 of the said Acts were amended by Maharashtra Act No. XIX of 2016, by inserting a new clause, providing that a person who has failed to submit to the Corporation or the Council, a certificate from the concerned Assistant Commissioner, Ward Officer or Authorised Officer of the concerned Corporation or Council, as the case may be, to the effect that, he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet ; or he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the community or public toilet, shall incur disqualification thereunder. The said Maharashtra Act No. XIX of 2016, has been brought into force with effect from the 2nd January 2017.

2. The general elections to various urban local bodies were scheduled to be held in the months of February and March 2017. Considering the difficulties faced by the persons desirous of contesting the urban local bodies, in obtaining such certificate, it was considered expedient to amend the said sections, with a view to provide that such requisite certificate may also be furnished by the candidate concerned.

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 Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017 (Mah. Ord. VI of 2017), was promulgated by the Governor of Maharashtra on the 2nd February 2017.

4. Thereafter, upon the reassembly of the State Legislature on the 6th March 2017, the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2017 (L.A. Bill No. IV of 2017), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 16th March 2017 and was transmitted to the Maharashtra Legislative Council. However, as thereafter the Maharashtra Legislative Council was prorogued on the 7th April 2017, the said Bill could not be passed by the Maharashtra Legislative Council.

5. As provided by article 213 (2)(a) of the Constitution of India, the said Ordinance has ceased to operate at the expiration of six weeks from the reassembly of the State Legislature, that is, on the 16th April 2017. It is, therefore, necessary to take immediate action to continue the provisions of the said Ordinance by promulgating a fresh Ordinance.

6. As both Houses of the State Legislature are not in session ; and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the Maharashtra Ordinance No. VI of 2017, this Ordinance is promulgated.

Mumbai,  
Dated the 11th May 2017.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

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

MANISHA PATANKAR-MHAISKAR,  
Principal Secretary to Government.