L. C. BILL No. IV OF 2021.

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.

WHEREAS both Houses of the State Legislature were not in session;

III of 1888. LIX of 1949. Mah. XL of 10 Mah. XL of 10 Nah. XL of 10 Nah. XL of 10 Ord. XV of 2021. **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 Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and therefore, promulgated the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Ordinance, 2021 on the 6th December 2021;

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

 $\mathbf{5}$

CHAPTER I

2

PRELIMINARY

Short title and 1. (1) This Act may be called the Mumbai Municipal Corporation, Maharashtra commence-Municipal Corporations and Maharashtra Municipal Councils, Nagar Panchayats and ment. Industrial Townships (Second Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 6th December 2021.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 5B of III of 1888.

III of In section 5B of the Mumbai Municipal Corporation Act (hereinafter in this Chapter 2. referred to as "the Mumbai Corporation Act"), in the first proviso, for the words, brackets, 10^{1888.} figures and letters " commencing on the date of commencement of the Mumbai Municipal Mah. XXI of Corporation, the Maharashtra Municipal Corporations and Maharashtra Municipal 2018. Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters " commencing on the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal 15 Mah. Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial of 2021. Townships (Second Amendment) Act, 2021 and ending on the 31st December 2022" shall be substituted.

Amendment 3. In section 37 of the Mumbai Corporation Act, in sub-section (2A), in the first of section 37 proviso, for the words, brackets, figures and letters "commencing on the date of 20 Mah. XXI of III of 1888. commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters " commencing on the date of commencement of the Mumbai Municipal ₂₅ 2021. Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2021 and ending on the 31st December 2022" shall be substituted.

CHAPTER III AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment 4. In section 5B of the Maharashtra Municipal Corporations Act (hereinafter in this 30 LIX of of section Chapter referred to as "the Maharashtra Corporations Act"), in the first proviso, for the 1949. 5B of LIX of words, brackets, figures and letters "commencing on the date of commencement of the Mah. 1949. XXI of Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and Maharashtra 2018. Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters "commencing 35 on the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Mah. of 2021. Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2021 and ending on the 31st December 2022" shall be substituted.

Amendment of section 19 of LIX of 1949.

5. In section 19 of the Maharashtra Corporations Act, in sub-section (1B), in the 40 first proviso, for the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal 45 Mah. Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2021 and ending on the 31st December 2022" shall be substituted.

of 2018. Mah. of

Mah. XXI

of 2018.

of 2021.

 $\mathbf{5}$

CHAPTER IV

AMENDMENTS TO THE MUMBAI MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL 6. In section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Amendment of 1965. 5 Industrial Townships Act, 1965 (hereinafter in this Chapter referred to as "the Municipal Councils Act"), in the first proviso, for the words, brackets, figures and letters "commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Mah. XXI of 2018. Municipal Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019" the 10 words, brackets, figures and letters "commencing on the date of commencement of the Mah. of 2021. Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2021 and ending on the 31st December 2022" shall be substituted. 7. In section 51-1B of the Municipal Councils Act, in the first proviso, for the words, Amendment

Mah. XXI 15 brackets, figures and letters " commencing on the date of commencement of the Mumbai of section Municipal Corporation, Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 1965. of 2018. and ending on the 30th June 2019" the words, brackets, figures and letters " commencing on the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Mah. of 2021. 20 Corporations and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2021 and ending on the 31st December 2022" shall be substituted.

CHAPTER V

MISCELLANEOUS

Mah. Ord. 25 8. (1) The Mumbai Municipal Corporation, Maharashtra Municipal Corporations Repeal of XV of and Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Mah. Ord. 2021. Amendment) Ordinance, 2021, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal III of1888. LIX of $_{30}$ Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra 1949. Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, as amended Mah. XL by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, of 1965. issued under the corresponding provisions of the relevant Acts, as amended by this Act.

of section 9A of Mah. XL of 1965.

XV of 2021 and saving.



STATEMENT OF OBJECTS AND REASONS

Section 5B of the Mumbai Municipal Corporation Act (III of 1888), section 5B 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 person 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 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. The said sections have been amended by the Maharashtra Act No. XXI of 2018 and Maharashtra Act No. LXV of 2018, which permits the candidate to submit, alongwith the nomination papers for election to a reserved seat, 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 an undertaking that he shall submit, within a period of twelve months from the date of his election, the Validity Certificate issued by the Scrutiny Committee. As per the amendments made by the Maharashtra Act No. XXI of 2018, such provisions were applicable till 30th June 2019.

3. The Caste Scrutiny Committees are overburdened with the task of issuing the validity certificates and this results in difficulties for the candidates to obtain the Caste Validity Certificate. In view of the provisions of the relevant Municipal laws, in case the elected candidate fails to produce the Validity Certificate, within a period of twelve months from the date of his election, his election shall stands to be terminated retrospectively and shall stands disqualified for holding the post.

4. To ensure that the elected candidates who have already obtained the Caste Certificate would not be disqualified merely because of failure to produce the Caste Validity Certificate issued by the Caste Scrutiny Committee in time as per the undertaking furnished by him, it was considered expedient to provide for extension of period commencing on the date of commencement of the Act and ending on the 31st December 2022, to the elected candidates for submitting such certificate. In view of this, it was expedient to suitably amend sections 5B and 37 of the Mumbai Municipal Corporation Act, sections 5B and 19 of the Maharashtra Municipal Corporations Act and sections 9A and 51-1B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

5. 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, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes aforesaid, the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) 2021 (Mah. Ord. XV of 2021), was promulgated by the Governor of Maharashtra on the 6th December 2021.

6. The Bill is intended to replace the said Ordinacnce by an Act of the State Legislature.

Mumbai, Dated the 15th December 2021. EKNATH SHINDE, Minister for Urban Development.



ANNEXURE TO L. C. BILL No. - OF 2021 THE MUMBAI MUNICIPAL CORPORATION, MAHARASHTRA MUNICIPAL CORPORATIONS AND MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS (SECOND AMENDMENT) ACT, 2021 (Extracts from the Mumbai Municipal Corporation Act, 1888) (Mah. III of 1888)

**

1. to 5A.

5B. Every person desirous of contesting election to a seat reserved for the Scheduled Person Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be election for required to submit, alongwith the nomination paper, Caste Certificate issued by the reserved seat Competent Authority and the Validity Certificate issued by the Scrutiny Committee in to accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special and Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, Validity 2000.

Contesting submit Caste Certificate Certificate.

**

Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, 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 twelve 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 twelve 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.

Provided also that, in respect of the undertaking filed by any person under clause (i) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Act, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as "twelve months".

** ** ** 6. to 36A. ** ** ** 37(1) and (2)

Mayor and **Deputy Mayor**

(2A) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate (G.C.P.)HB 1709-3 (600-12-2021)

issued by the Scrutiny Committee in accordance with 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.

Provided that, for the elections for the office of the Mayor for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, 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 twelve 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 twelve months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disgualified for being the Mayor.

Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Act, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as "twelve months".

(3) to (8)	**	**	**
37IA. to 527A.	**	**	**
SCHEDULES.	**	**	**

**

(Extracts from the Maharashtra Municipal Corporations Act, 1949)

(Mah. LIX of 1949)

**

1. to 5A.

Person election for reserved seat Caste Certificate and Validity

5B. Every person desirous of contesting election to a seat reserved for the Schedcontesting uled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate to submit issued 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 Certificate Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

> Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the

Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, 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 filling the nomination papers but who has not received the validity certificate on the date of filling 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 twelve 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 twelve 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.

Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Act, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as "twelve months".

6. to 18.	**	**	**
19(1) and (1A)	**	**	**

Mayor and Deputy Mayor

(1B) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit alongwith the nomination paper, Caste Certificate issued 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.

Provided that, for the election for the office of the Mayor for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, 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 twelve 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 twelve 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.

Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Act, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as "twelve months".

(2) to (6)	**	**	**
19-1A. to 493.	**	**	**
APPENDICES.	**	**	**
SCHEDULES.	**	**	**

(Extracts from the Maharashtra Municipal Councils, Nagar Panchayats

and Industrial Townships Act, 1965)

(Mah. XL of 1965)

**

**

1. to 9.

Persons Contesting election for reserved seat to submit Caste Certificate and Validity Certificate.

**

Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, 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 twelve 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 twelve months from the date on which is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being Councillor.

Provided also that, in respect of the undertaking filed by any person under clause (i) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Act, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as "twelve months".

10. to 51-1A. * * * * * *

51-1B. Every person desirous of contesting election to the office of the President Persons reserved for the Scheduled Castes, Scheduled Tribes or as the case may be, Backward Contesting Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste for Certificate issued by the Competent Authority and the Validity Certificate issued by the reserved Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled office of Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other to submit Backward Classes and Special Backward Category (Regulation of Issuance and Caste Verification of) Caste Certificate Act, 2000.

election President Certificate and Validity Certificate.

Provided that, for the elections for the office of the Mayor for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, 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 twelve 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 twelve 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 President.

Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Act, 2018, the period of "six months" specified in such undertaking shall be deemed to have been substituted as "twelve months".

51A. and 51B.	**	**	**
52. to 351.	**	**	**
SCHEDULES.	**	**	**

MAHARASHTRA LEGISLATURE SECRETARIAT

[L. C. BILL No. IV OF 2021.]

[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.]

> [SHRI EKNATH SHINDE, Minister for Urban Development.]

RAJENDRA BHAGWAT, Principal Secretary, Maharashtra Legislative Council.