

**Maharashtra Local Authority Members Disqualification  
(Amendment) Act, 2006**

**50 of 2006**

**[29 December 2006]**

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PREAMBLE

An Act 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 further to amend the Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987), for the purposes hereinafter appearing; and therefore, promulgated the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2006 (Mah. Ord. XI of 2006), on the 19th October 2006;

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

**1. Short Title And Commencement :-**

(1) This Act may be called the Maharashtra Local Authority

Members Disqualification (Amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 19th October 2006.

## **2. Amendment Of Section 3 Of Mah. Xx Of 1987 :-**

In section 3 of the Maharashtra Local Authority Members Disqualification Act, 1986 (Mah. XX of 1987) (hereinafter referred to as "the principal Act"),-

(a) in sub-section (1),-

(1) for the words and figures "section 4 and 5" the word and figure "section 5" shall be substituted;

(2) in the Explanation,-

(A) in clause (b),-

(i) for the words "or co-opted councillor or member" the word "councillor" shall be substituted;

(ii) in sub-clause (i), the words "or as the case may be, co-option as such councillor, or as the case may be, member" shall be deleted.

(B) clause (c) shall be deleted;

(b) sub-section (3) shall be deleted;

(c) in sub-section (4),-

(1) the word "or co-opted" shall be deleted;

(2) in sub-clause (b), for the words "or as the case may be, be deemed to be a nominated or co-opted councillor, or as the case may be, a member for the purposes of sub-section (3)" shall be deleted.

## **3. Insertion Of Section 3A In Mah. Xx Of 1987 :-**

After section 3 of the principal Act, the following section shall be inserted, namely:-

"3A. Disqualification for appointment on remunerative political post :- A councillor or, as the case may be, a member belonging to any political party, aghadi or front who is disqualified for being a councillor or, as the case may be, a member, under section 3 shall, also be disqualified to hold any remunerative political post for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such councillor or, as the case may be, a member expires or till the date on which he contests an election to a local authority and is declared elected, whichever is earlier.

Explanation.-For the purpose of this section, the expression

remunerative political post means any office,-

- (i) under the State Government where the salary or remuneration for such office is paid out of the public revenue of the State Government or Consolidated Fund of the State; or
- (ii) under a body, whether incorporated or not, which is wholly or partially owned by the State Government and the salary or remuneration for such office is paid by such body; or
- (iii) under a local authority, where the salary or remuneration for such office is paid by the local authority out of such local authority's fund, except where such salary or remuneration paid is compensatory in nature."

#### **4. Deletion Of Section 4 Of Mah. Xx Of 1987 :-**

Section 4 of the principal Act shall be deleted.

#### **5. Amendment Of Section 6 Of Mah. Xx Of 1987 :-**

In section 6 of the principal Act,-

- (a) for the words and figures "such split or merger as referred to in section 4 and 5 as the case may be" the words and figure "merger referred to in section 5" shall be substituted.
- (b) in sub-clause (a), the words "split or" shall be deleted;
- (c) in the marginal note, the words "split or" shall be deleted.

#### **6. Repeal Of Mah. Ord. Xi Of 2006 And Saving :-**

(1) The Maharashtra Local Authority Members Disqualification (Amendment) Ordinance, 2006 (Mah. Ord. XI of 2006) is hereby repealed.

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