

**Maharashtra Municipal Corporations (Second Amendment)
Act, 2007**

3 of 2008

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title

**CHAPTER 2 :-AMENDMENTSTO THE MUMBAI MUNICIPAL
CORPORATION ACT**

2. Amendment Of Section 16 Of Bom. Iii Of 1888
3. Insertion Of Section 18-1A In Bom. Iii Of 1888

**CHAPTER 3 :-AMENDMENTSTO THE BOMBAY PROVINCIAL
MUNICIPAL CORPORATIONS ACT, 1949**

4. Substitution Of Section 13 Of Bom. Lix Of 1949
5. Amendment Of Section 405 Of Bom. Lix Of 1949

**CHAPTER 4 :-AMENDMENTSTO THE CITY OF NAGPUR
CORPORATION ACT, 1948**

6. Insertion Of Section 19A In C.P. And Berar Ii Of 1950

**Maharashtra Municipal Corporations (Second Amendment)
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(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 4th January, 2008). An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, and the City of Nagpur Corporation Act, 1948. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-Eighth Year of the Republic of India as follows :-

CHAPTER 1

PRELIMINARY

1. Short Title :-

This Act may be called the Maharashtra Municipal Corporations (Second Amendment) Act, 2007.

CHAPTER 2

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

2. Amendment Of Section 16 Of Bom. Iii Of 1888 :-

In section 16 of the Mumbai Municipal Corporation Act (hereinafter referred to as "the Mumbai Corporation Act"), in sub-section (1), after clause (a), the following clause shall be inserted, namely :-
"(aa) has been removed from the office under section 18-IA and five years have not elapsed from the date of such, removal; or."

3. Insertion Of Section 18-1A In Bom. Iii Of 1888 :-

After section 18 of the Mumbai Corporation Act, the following section shall be inserted, namely :-

CHAPTER 3

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

4. Substitution Of Section 13 Of Bom. Lix Of 1949 :-

For section 13 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Provincial Corporations Act"), the following section shall be substituted, namely :-

"13. Liability of Councillor to removal from office. - (1) (a) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties, or of any disgraceful conduct, during his current term of office or immediately preceding term of office as a Councillor.

(b) The State Government may, on the recommendation of the Corporation supported by the vote of not less than three-fourths of the whole number of Councillors, remove any Councillor from office, if such Councillor has, in the opinion of the State Government, become incapable of performing his duties as a Councillor.

(2) No resolution recommending the removal of a Councillor for the purposes of sub-section (1) shall be passed by a Corporation and

no order shall be made by the State-Government, unless the Councillor to whom it relates has been given, a reasonable opportunity of showing cause why such recommendation or order, as the case may be, should not be made :

Provided that, no order of removal of Councillor shall be made by the State Government on its own motion, unless the Corporation is given one months time for taking necessary action in the matter.

(3) In every case in which the State Government makes an order under sub-section (1), the Councillor shall be disqualified for being a Councillor, or from becoming a Councillor, or a Councillor or member of any other local authority, for a period of five years from such date as may be specified in such order, unless the State Government relieves him of the disqualification by an order which it is hereby empowered to make.

(4) If any doubt or dispute arises as to the removal and disqualification of a Councillor under this section, such Councillor may, and at the request of the Corporation, the Commissioner may, make reference to the Judge."

5. Amendment Of Section 405 Of Bom. Lix Of 1949 :-

In section 405 of the Provincial Corporation Act, after clause (1). the following clause shall be inserted, namely :-

"(1A) regarding removal and disqualification of a Councillor under section 13;".

CHAPTER 4

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

6. Insertion Of Section 19A In C.P. And Berar Ii Of 1950 :-

After section 19 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely:-

"19A. Liability of Councillor to removal from office. - (1) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties or of any disgraceful conduct, during his current term of office or immediately preceding term of office as a Councillor.

(2) No resolution recommending the removal of any Councillor for the purposes of sub-section (1) shall be passed by the Corporation and no order of removal shall be made by the State Government, unless the Councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation

or order, as the case may be, should not be made:

Provided that, no order of removal of Councillor shall be made by the State Government on its own motion, unless the Corporation is given one months time for taking necessary action in the matter.

(3) In every case in which the State Government makes an order under sub-section (1), the Councillor shall be disqualified for being a Councillor, or from becoming a Councillor, or a Councillor or member of any other local authority, for a period of five years from the date of such order unless the State Government relieves him of the disqualification by an order which it is hereby empowered to make.

(4) If any doubt or dispute arises as to the removal and disqualification of a Councillor under this section, such Councillor may, and at the request of the Corporation, the Commissioner may, make reference to the District Judge."