

**Maharashtra Municipal Corporations And Municipal Councils
(Second Amendment) Act, 2012**

34 OF 2014

[26 August 2014]

CONTENTS

CHAPTER 1 :- Preliminary.

1. Short title.

CHAPTER 2 :-Amendments To The Mumbai Municipal Corporation Act.

2. Amendment of section 521 of Bom. III of 1888.
3. Insertion of section 521A in Bom. III of 1888.

CHAPTER 3 :-Amendments To The Bombay Provincial Municipal Corporations Act, 1949.

4. Amendment of section 482 of Bom. LIX of 1949.
5. Insertion of section 482A in Bom. LIX of 1949.

CHAPTER 4 :-Amendments To The City of Nagpur Corporation Act, 1948.

6. Amendment of section 394 of C. P. and Berar II of 1950.
7. Insertion of section 394A in C. P. and Berar II of 1950.

CHAPTER 5 :- Amendments to the Maharashtra Municipal Councils, Nagar panchayats and Industrial townships Act, 1965.

8. Amendment of section 302 of Mah. XL of 1965.
9. Insertion of section 302A in Mah. XL of 1965.

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An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of

Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :-

CHAPTER 1 Preliminary.

1. Short title. :-

This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2012.

CHAPTER 2 Amendments To The Mumbai Municipal Corporation Act.

2. Amendment of section 521 of Bom. III of 1888. :-

Section 521 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), shall be renumbered as sub-section (1) thereof; and after sub-section (i), as so renumbered, the following sub-section shall be added, namely :-

"(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

3. Insertion of section 521A in Bom. III of 1888. :-

After section 521 of the Mumbai Corporation Act, the following section shall be inserted, namely :-

"521A. Power of State Government to accord previous sanction.

Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19."

CHAPTER 3 Amendments To The Bombay Provincial Municipal Corporations Act, 1949.

4. Amendment of section 482 of Bom. LIX of 1949. :-

In section 482 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), after sub-section (2), the following sub-section shall be added, namely :-

"(3) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

5. Insertion of section 482A in Bom. LIX of 1949. :-

After section 482 of the Provincial Corporations Act, the following section shall be inserted, namely:-

"482A. Power of State Government to accord previous sanction.

Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19."

CHAPTER 4 Amendments To The City of Nagpur Corporation Act, 1948.

6. Amendment of section 394 of C. P. and Berar II of 1950. :-

Section 394 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), shall be renumbered as sub-section (1) thereof ; and after sub-section (1), as so renumbered, the following sub-section shall be added, namely:-

"(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

7. Insertion of section 394A in C. P. and Berar II of 1950. :-

After section 394 of the Nagpur Corporation Act, the following section shall be inserted, namely :-

"394A. Power of State Government to accord previous sanction.

Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government

shall be competent to accord previous sanction as required under the said sections 197 and 19."

CHAPTER 5 Amendments to the Maharashtra Municipal Councils, Nagar panchayats and Industrial townships Act, 1965.

8. Amendment of section 302 of Mah. XL of 1965. :-

Section 302 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"), shall be re-numbered as subsection (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :-

"(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988."

9. Insertion of section 302A in Mah. XL of 1965. :-

After section 302 of the Municipal Councils Act, the following section shall be inserted, namely :-

"302A. Power of State Government to accord previous sanction.

Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19."