

**Maharashtra Municipal Councils, Nagar Panchayats And
Industrial Townships (Second Amendment) Act, 2012**

31 of 2012

[24 December 2012]

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PREAMBLE

An Act further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

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 Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965(Mah. XL of 1965), for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Ordinance, 2012(Mah. Ord. X of 2012), on the 8th October 2012;
AND WHEREAS it is expedient to replace the said Ordinance by an Act. of the State Legislature; it is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 8th October 2012.

2. Amendment of section 9A of Mah. XL of 1965 :-

To section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act"), the following provisos shall be added, namely:-

"Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2013, 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 of 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 paper,-

(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 six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of six 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 a Councillor."

3. Amendment of section 51-1B of Mah. XL of 1965 :-

To section 51-1B of the principal Act, the following provisos shall be added, namely:-

"Provided that, for the elections for the post of President for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme, 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 paper,-

(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 six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the Validity Certificate within a period of six 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 a President."

4. Repeal of Mah. Ord. X of 2012 and saving :-

(1) The Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Ordinance, 2012(Mah. Ord. X of 2012), is hereby repealed.

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