



The Bombay Disqualification of Municipal Councillors (Removal of Doubts)
Act, 1958

Act 46 of 1958

Keyword(s):

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**THE BOMBAY DISQUALIFICATION OF MUNICIPAL COUNCILLORS
(REMOVAL OF DOUBTS) ACT, 1958.**

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BOMBAY ACT No. XLVI OF 1958.¹

[THE BOMBAY DISQUALIFICATION OF MUNICIPAL COUNCILLORS (REMOVAL OF DOUBTS) ACT, 1958.]

[13th May 1958]

An Act to legalise, or remove doubts as respects the legality of the election or continuance in office of certain Councillors who at the time of election or thereafter were directors or members of co-operatives societies which advance loans of money to or borrow money from officers and servants of certain Municipalities.

WHEREAS it is expedient to legalise, or remove doubts as respects the legality of the election or continuance in office of certain Councillors who at the time of election or thereafter were directors or members of co-operative societies which advance loans of money to or borrow money from officers and servants of certain Municipalities ; It is hereby enacted in the Ninth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Disqualification of Municipal Councillors ~~short~~ title. (Removal of Doubts) Act, 1958.

Bom. III of 1901. Bom. XVII of 1925. 2. For the purposes of this Act, "the Municipality" means a municipality or Interpretation. municipal borough constituted by or under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or either of those Acts as adapted and applied to the Saurashtra area of the State, or the last Act as extended to the Kutch area thereof.

3. For the removal of doubts it is hereby declared that any person who, being Director or member of a co-operative society which advances or has advanced a loan of money to, or borrows or has borrowed money from, any officer or servant of the Municipality, is elected or appointed to the office of Councillor of the Municipality, or who being a Councillor becomes such director or member aforesaid, shall not be deemed by reason only of being when elected or appointed or becoming thereafter such director or member, to have directly or indirectly a share or interest in any such transaction of loan or borrowing ; and accordingly he shall not be, and shall be deemed never to have been, disqualified on account merely of such reason for being elected or appointed, or continuing to be, a Councillor of the Municipality. Director or member of co-operative society not disqualified.

4. The enactments in the Schedule shall be, and shall be deemed always to have been, amended in the manner and to the extent specified in column 2 thereof. Consequential.

SCHEDULE.

Enactments. 1	Amendments. 2
1. The Bombay District Municipal Act, 1901 (Bom. III of 1901) ; and that Act as adapted and applied to the Saurashtra area of the State of Bombay.	In section 15, in sub-section (1)— (1) in clause (g), after the word "who" the words "save as hereinafter provided," shall be inserted ; (2) after the proviso, the following further proviso shall be added, namely :— " Provided further that for the purposes of clause (g) of this sub-section, a person who is

¹ For Statement of Objects and Reasons, see Bombay Government Gazette, 1958, Extra. Part V, p. 211.

Enactments.

1

Amendments.

2

a director or member of a co-operative society which advances or has advanced a loan of money to, or borrows or has borrowed money from, any officer or servant of the Municipality shall not be deemed to have directly or indirectly any share or interest in any such transaction of loan or borrowing."

2. The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925); that Act as adapted and applied to the Saurashtra area of the State of Bombay and as extended to the Kutch area thereof.
- In section 12—
- (1) in sub-section (2), in clause (a), after the word "who" the words "save as hereinafter provided," shall be inserted;
- (2) in sub-section (3),—
- (a) for the words, brackets and letter "A person shall not be deemed to have incurred disqualification under clause (b)" the following shall be substituted, namely:—
- "A person shall not be deemed to have incurred disqualification—
- (A) under clause (b)";
- (b) after clause (viii), the following shall be added, namely:—
- "(B) under clause (c) of sub-section (2) by reason of his being a director or member of a co-operative society, which advances or has advanced a loan of money to, or borrows or has borrowed money from, any officer or servant of the Municipality."