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अनुक्रमणिका

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The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 1st August 1983, is hereby published for general information.

M. A. DHOTRE,
Secretary to the Government of Maharashtra,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXX OF 1983

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 3rd August 1983)

An Act further to amend the Bombay Metropolitan Region Development Authority Act, 1974.

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 IV of the Bombay Metropolitan Region Development Authority Act, 1974, for the purposes hereinafter appearing; and therefore, promulgated the Bombay Metropolitan Region Development Authority (Amendment) Ordinance, 1983 on the 20th May 1983;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Metropolitan Region Development Authority (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 20th May 1983.

Short title
and com-
mencement

Substitution
of sections
4 and 4A of
Mah. IV of
1975.

2. For sections 4 and 4A of the Bombay Metropolitan Region Development Authority Act, 1974 (hereinafter referred to as "the principal Act"), the following sections shall be substituted, namely :—

Mah.
IV of
1975.

Composition
of Metro-
politan
Authority.

"4. (1) On and from the date of commencement of the Bombay Metropolitan Region Development Authority (Amendment) Act, 1983, in place of the existing members, the Metropolitan Authority shall consist of the following members, namely :—

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of
1983.

- (i) The Minister for Urban Development ;
- (ii) The Minister for Housing ;
- (iii) The Minister of State for Urban Development ;
- (iv) The Mayor of Bombay ;
- (v) The Chairman, Standing Committee, Municipal Corporation of Greater Bombay ;

(vi), (vii) and (viii) three Councillors of the Municipal Corporation of Greater Bombay, elected by the Corporation, the election being held by ballot according to the system of proportional representation by means of the single transferable vote ;

(ix) and (x) two members of the Maharashtra Legislative Assembly, representing constituencies falling, wholly or partly, within the limits of the Bombay Metropolitan Region, to be nominated by the State Government ;

(xi) one member of the Maharashtra Legislative Council, to be nominated by the State Government ;

(xii) the Chief Secretary to the Government of Maharashtra ;

(xiii) the Municipal Commissioner of the Municipal Corporation of Greater Bombay ;

(xiv) the Secretary to the Government of Maharashtra, Urban Development Department ;

(xv) the Secretary to the Government of Maharashtra, Housing Department ;

(xvi) the Managing Director, City and Industrial Development Corporation of Maharashtra ;

(xvii) the Metropolitan Commissioner.

(2) The Minister for Urban Development shall be the Chairman, and the Metropolitan Commissioner shall be the Member-Secretary, of the Authority.

(3) With effect from the date of commencement of the said Act, the Authority shall be deemed to be duly constituted, notwithstanding that there may be any vacancies as some of the members may not have been elected or nominated or appointed or for any other reason may not be available to take office on that day, and the members of the Authority, who may, from time to time, be available shall be competent to exercise, perform and discharge all the powers, duties and functions of the Authority from that date.

(4) The State Government may, from time to time, by notification in the *Official Gazette*, publish the names of members, who are elected under clauses (vi), (vii) and (viii) or nominated under clauses (ix), (x) and (xi) of sub-section (1).

(5) The members shall receive such allowances as may be determined by regulations for meeting the personal expenditure in attending the meetings of the Authority or any Committee or body thereof, or in performing any other functions as members. Such regulations shall require the previous approval of the State Government.

(6) Where a person becomes or is elected or nominated or appointed as a member of the Authority by virtue of holding any office or being a member of the Legislature or any local authority, or Committee or body, he shall cease to be a member of the Authority, as soon as he ceases to hold that office or to be such member, as the case may be.

(7) A member of the Authority, other than *ex-officio* members, may, at any time, by writing under his hand addressed to the Chairman, resign his office.

(8) No act or proceeding of the Metropolitan Authority, or of any Committee or other body thereof, shall be deemed to be invalid at any time merely on the ground that—

(a) any of the members of the Authority or its Committee or body are not duly elected, nominated or appointed or for any other reason are not available to take office at the time of the constitution or any meeting of the Authority or of its Committee or body or there is any defect in the constitution thereof, or any person is a member in more than one capacity or there are one or more vacancies in the offices of any such members ;

(b) there is any irregularity in the procedure of the Authority or such Committee or body, not affecting the merits of the matter under consideration.

4A. (1) The Chairman of the Authority shall supervise and control all the activities on behalf of the Authority and shall exercise such powers and perform such duties as are conferred on him by this Act and exercise such other powers and perform such other duties as the Authority may, from time to time, by regulations determine.

Powers and duties of Chairman, Metropolitan Commissioner, etc.

(2) (a) Subject to the provisions of sub-section (1), the Metropolitan Commissioner shall be the Chief Executive Officer of the Authority.

(b) The Metropolitan Commissioner shall supervise and control all its officers and servants, including any officers of Government appointed, from time to time, on deputation to the Authority or any Committee or body thereof.

(c) The Metropolitan Commissioner shall be responsible for collection of all sums due to the Authority and payment of all sums payable by the Authority. He shall ensure adequate security of all assets, including cash balances, of the Authority. He shall also be responsible for performing all executive functions in connection with the works of the Authority.

(3) Subject to the provisions of sub-section (2), the Executive Committee shall, from time to time, by order determine the powers and duties of any Additional, Deputy and Assistant Metropolitan Commissioners appointed under section 11. "

3. In section 5 of the principal Act, for sub-section (2), the following sub-section Amendment shall be substituted, namely:—

"(2) The Chairman shall preside at the meetings of the Authority. In the absence of the Chairman, at any meeting, any other member of the Authority, elected by the members present at the meeting, shall preside at such meeting."

of section 5 of Mah. IV of 1975.

4. Section 6 of the principal Act shall be deleted.

Deletion of section 6 of Mah. IV of 1975.

Substitution
of section 7
of Mah. IV
of 1975.

5. For section 7 of the principal Act, the following section shall be substituted, namely :—

Constitution
and powers
of Executive
Committee.

“7. (1) There shall be an Executive Committee of the Authority, consisting of the following members, namely :—

- (i) the Chief Secretary to Government ;
- (ii) the Metropolitan Commissioner ;
- (iii) the Secretary to Government, Urban Development Department ;
- (iv) the Secretary to Government, Housing Department ;
- (v) the Municipal Commissioner, Bombay Municipal Corporation ;
- (vi) the Managing Director, City and Industrial Development Corporation of Maharashtra ;
- (vii), (viii) and (ix) three members who are experts in the field of urban planning and development, to be appointed by the State Government.

(2) The Chief Secretary shall be the Chairman of the Executive Committee. He shall appoint a suitable person to be the Secretary of the Executive Committee.

(3) The Executive Committee shall exercise the following powers and perform the following duties, namely :—

- (i) appointment of the staff ;
- (ii) planning and implementation of projects and schemes of the Authority, including approval or rejection of such projects and schemes ;
- (iii) approval or rejection of tenders for projects and schemes of the Authority ;
- (iv) grant of permission or refusal of permission, on behalf of the Authority under sub-section (3) of section 13 ;
- (v) investment of surplus moneys of the Bombay Metropolitan Region Development Fund ;
- (vi) institution, conduct and withdrawal of any legal proceedings on behalf of the Authority.

(4) The Executive Committee shall meet at such place and at such time as may be determined by its Chairman, and shall observe such rules of procedure as it may determine.”

Amendment
of section 7A
of Mah. IV
of 1975.

6. In section 7A of the principal Act,—

(a) the words “the Standing Committee”, at both places where they occur, shall be deleted ;

(b) in the marginal note, for the words “and Standing and Executive Committees” the words “and Executive Committee” shall be substituted.

Deletion of
section 8
of Mah. IV
of 1975.

7. Section 8 of the principal Act shall be deleted.

Amendment
of section
10A of
Mah. IV of
1975.

8. In section 10A of the principal Act, for the words “the Standing Committee, the Executive Committee or a Functional Board” the words “or the Executive Committee” shall be substituted.

9. In section 11 of the principal Act,—

(a) in sub-section (1A), in clause (b),—

(i) for the words “the Authority, the Standing Committee or the Executive Committee,” the words “the Authority or the Executive Committee,” shall be substituted.

(ii) in paragraph (vi), the words “and the Standing Committee” shall be deleted;

(b) in sub-section (1B), for the words “the Standing Committee,” the words “the Executive Committee,” shall be substituted;

(c) in sub-section (2), the brackets and words “(including any Functional Board)” shall be deleted.

Amendment
of section 11
of Mah. IV
of 1975.

10. In section 12 of the principal Act, in sub-section (1), in clause (d), the words “on the directions of the State Government” shall be deleted.

Amendment
of section 12
of Mah. IV
of 1975.

11. In section 13 of the principal Act, in sub-section (5), after the words “In case any person or authority” the words, brackets and figure “contravenes any conditions imposed under sub-section (3) or” shall be inserted.

Amendment
of section 13
of Mah. IV
of 1975.

12. In section 47 of the principal Act, the words “Functional Boards, other boards, and” shall be deleted.

Amendment
of section
47 of Mah.
IV of 1975.

13. In section 48 of the principal Act, the words “Functional Boards, other boards, and” shall be deleted.

Amendment
of section
48 of Mah.
IV of 1975.

Mah. Ord. X of 1983. 14. (1) The Bombay Metropolitan Region Development Authority (Amendment) Ordinance, 1983, is hereby repealed,

Repeal of
Mah. Ord. X
of 1983 and
saving.

(2) Notwithstanding such repeal, anything done, or any action taken (including any nomination or appointment made, election held, notification issued or regulation framed) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken, made, held, issued or framed, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

