



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ४२ (२)]

मंगळवार, जुलै १९, २०१६/आषाढ २८, शके १९३८

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असाधारण क्रमांक ६६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Water Resources Regulatory Authority (Amendment) Bill, 2016 (L. A. Bill No. XXV of 2016), introduced in the Legislative Assembly on the 19th July 2016, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XXV OF 2016.

A BILL

further to amend the Maharashtra Water Resources Regulatory Authority Act, 2005.

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 Water Resources Regulatory Authority Act, 2005, for the purposes hereinafter appearing ; and, therefore, Mah. XVIII of 2005. Mah. Ord. XIII of 2016. promulgated the Maharashtra Water Resources Regulatory Authority (Amendment) Ordinance, 2016 on the 17th June 2016 ;

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

- Short title and commencement. 1. (1) This Act may be called the Maharashtra Water Resources Regulatory Authority (Amendment) Act, 2016.
(2) It shall be deemed to have come into force on the 17th June 2016.
- Amendment of section 2 of Mah. XVIII of 2005. 2. In section 2 of the Maharashtra Water Resources Regulatory Authority Act, 2005 (hereinafter referred to as “ the principal Act ”), in sub-section (1), after clause (v), the following clause shall be inserted, namely :—
“(v-1) “ Special Invitee ” means a person appointed to the Authority under clause (f) of sub-section (1) of section 4;”.
- Amendment of section 3 of Mah. XVIII of 2005. 3. In section 3 of the principal Act,—
(a) to sub-section (3), the following proviso shall be added, namely :—
“ Provided that, the State Government may, by notification in the *Official Gazette*, declare that the head office of the Authority shall be at such other place as mentioned in the said notification. ”;
(b) for sub-section (4), the following sub-section shall be substituted, namely :—
“(4) The Authority shall consist of a Chairperson and four other Members.”.
- Insertion of new section 3A in Mah. XVIII of 2005. 4. After section 3 of the principal Act, the following section shall be inserted, namely :—
“**3A.** Notwithstanding anything contained in this Act, when the Authority cannot be reconstituted under sub-section (5) of section 3, for whatsoever reason, the powers, functions and duties of the Authority may be exercised, performed and discharged by a Committee, to be appointed by the Government, by notification in the *Official Gazette*, consisting of persons holding the post of the Additional Chief Secretary or equivalent thereto, who shall act as a Chairperson and the Secretary (Water Resources Management and Command Area Development), Water Resources Department and Principal Secretary/Secretary, Finance Department, who shall act as Members thereof; and the said Committee shall cease to exercise the powers, perform the functions and discharge the duties of the Authority after expiry of a period of six months or when the Authority is duly reconstituted, whichever is earlier.”.
- Power to appoint Committee to perform powers, etc., of Authority during intervening period when Authority is not reconstituted.
- Substitution of section 4 of Mah. XVIII of 2005. 5. For section 4 of the principal Act, the following section shall be substituted, namely :—
“**4.** (1) The Chairperson, the Members and Special Invitees of the Authority shall be appointed as follows :—
(a) the Chairperson shall be a person who is or who was the Officer of the State Government of the Rank of Chief Secretary to the State Government or equivalent thereto or Retired High Court Judge ;
(b) one Member shall be expert from the field of water resources engineering ;
(c) one Member shall be expert from the field of economics ;
(d) one Member shall be expert from the field of groundwater management ;
- Qualifications for Chairperson, other Members and Special Invitees of Authority.

(e) one Member shall be expert from the field of law ; and

(f) five Special Invitees as may be prescribed shall be, one from each River Basin Agency area, having adequate knowledge, experience or proven capacity in dealing with the problems relating to water resources engineering, agriculture, ecology and environment, drinking water, industry, law, economics, commerce, finance or management for assisting the Authority:

Provided that, at least one Special Invitee shall be a woman:

Provided further that, no two Special Invitees shall be from the same field or group of fields.

(2) (a) The Chairperson of the Authority shall be the person of ability, integrity and standing.

(b) The Members of the Authority shall be persons of ability, integrity and standing who have adequate knowledge of, experience in, and proven capacity in, dealing with problems relating to their respective fields :

Provided that, the Members and experts mentioned in clauses (b) to (f) of sub-section (1) of section 4 shall have minimum educational qualification of bachelor's degree of any recognized university or institute and experience of not less than twenty years with proven track record in their respective fields.

(3) The Chairperson or any other Member of the Authority shall not hold any other office of profit.

(4) No person shall be appointed as the Chairperson or other Member, if he has attained the age of sixty-seven years.”.

6. In section 5 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

Amendment
of section 5 of
Mah. XVIII of
2005.

“(1) The State Government shall, by notification in the *Official Gazette*, for the purposes of sub-section (5) of section 3, constitute a Selection Committee, for appointment of the Chairperson and Members consisting of,—

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| (a) the Chief Secretary. | ... <i>Ex-officio</i> President. |
| (b) the Secretary, Water Supply and Sanitation Department. | ... <i>Ex-officio</i> Member. |
| (c) the Secretary (WRM & CAD), Water Resources Department. | ... <i>Ex-officio</i> Member. |
| (d) the Director, Indian Institute of Technology, Mumbai. | ... <i>Ex-officio</i> Member. |
| (e) One person nominated by the Government from an eminent institute. | ... Member. |
| (f) the Secretary (WRP & D), Water Resources Department. | ... <i>Ex-officio</i> Member-Secretary.”; |

(b) after sub-section (6), the following sub-section shall be added, namely :—

“(7) All relevant details of the complete selection process and its outcome for filling up of the vacancy of the Chairperson and other Members, shall be published on the website of the Water Resources Department.”.

Amendment
of section 6 of
Mah. XVIII of
2005.

7. In section 6 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) The Chairperson and other Members shall hold office for a term of three years from the date on which he enters upon his office :

Provided that, the Chairperson or the other Member may, on the recommendations of the Selection Committee constituted under sub-section (1) of section 5, be re-appointed but for not more than two consecutive terms :

Provided further that, no Chairperson or other Member shall hold office after he has attained the age of seventy years. ”.

Repeal of
Mah. Ord.
XIII of 2016
and saving.

8. (1) The Maharashtra Water Resources Regulatory Authority (Amendment) Ordinance, 2016, 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 issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

Mah. Ord.
XIII of
2016.

STATEMENT OF OBJECTS AND REASONS

In view of difficulties being faced while implementing the provisions of the Maharashtra Water Resources Regulatory Authority Act, 2005 (Mah. XVIII of 2005) and with an intention to amend the said Act and to suggest the suitable provisions which may be technically feasible and can be implemented in actual practice, the Study Group was constituted under the Chairmanship of Shri H. T. Mendhegiri, former Director General, Water and Land Management Institute, Aurangabad. The Study Group has submitted its report to the Government in July 2014.

2. After considering the recommendations of the said Study Group, the Government was of the view that in order to make the functioning of the Maharashtra Water Resources Regulatory Authority more effective, it was necessary to revise qualifying criteria of the Chairperson and to have experts from the fields of ground water management and law to be the Members of the said Authority. Accordingly, it had been decided to immediately amend the provisions contained in Chapter II of the Maharashtra Water Resources Regulatory Authority Act, 2005 (Mah. XVIII of 2005), suitably. It was also considered expedient to make suitable provisions for exercise of the powers, performance of the functions and discharging of the duties of the Authority, during the intervening period, till the Authority was reconstituted.

3. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Water Resources Regulatory Authority Act, 2005 (Mah. XVIII of 2005), for the purposes aforesaid, the Maharashtra Water Resources Regulatory Authority (Amendment) Ordinance, 2016 (Mah. Ord. XIII of 2016), was promulgated by the Governor of Maharashtra on the 17th June 2016.

4. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 12th July 2016.

GIRISH MAHAJAN,

Minister for Water Resources.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 3(a).—Under this clause, which proposes to add the proviso to sub-section (3) of section 3 of the Maharashtra Water Resources Regulatory Authority Act, 2005, power is taken to the State Government to declare, by notification in the *Official Gazette*, such other place where the head office of the Authority shall be situated.

Clause 4.—Under this clause, which proposes to insert a new section 3A in the said Act, power is taken to the State Government to appoint a Committee, by notification in the *Official Gazette*, to perform powers, etc., of Authority during intervening period when Authority cannot be reconstituted.

Clause 5.—Under this clause, which proposes to substitute section 4 of the said Act, power is taken to the State Government to prescribe, by rules, the five special invitees to be appointed on the Authority having adequate knowledge, experience or proven capacity in various fields specified therein.

Clause 6.—Under this clause, which proposes to substitute sub-section (1) of section 5 of the said Act, power is taken to the State Government to appoint a Selection Committee, by notification in the *Official Gazette*, for recommending the persons for appointment of the Chairperson and Members of the Authority.

2. The above-mentioned proposals for delegation of legislative power are of normal character.