



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ५९(७)]

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असाधारण क्रमांक १००

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 and Continuance) Ordinance, 2016 (Mah. Ord. XXI of 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.

[Translation in English of the Maharashtra Water Resources Regulatory Authority (Amendment and Continuance) Ordinance, 2016 (Mah. Ord. XXII of 2016), published under the authority of the Governor].

WATER RESOURCES DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 30th August 2016.

MAHARASHTRA ORDINANCE No. XXI OF 2016.

AN ORDINANCE

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

WHEREAS the Governor of Maharashtra had promulgated the Mah. Ord. XIII of 2016. Maharashtra Water Resources Regulatory Authority (Amendment) Ordinance, 2016 on the 17th June 2016.

AND WHEREAS upon the re-assembly of the State Legislature on the 18th July 2016, the Maharashtra Water Resources Regulatory Authority (Amendment) Bill, 2016 (L.A. Bill No. XXV of 2016), for converting the said Ordinance into an Act of the State Legislature was passed by the Maharashtra Legislative Assembly on the 27th July 2016 and was transmitted to the Maharashtra Legislative Council and the motion to refer it to the Select Committee of that House has been passed;

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AND WHEREAS thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance shall cease to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 28th August 2016 ;

AND WHEREAS it is considered expedient to continue the operation of the provisions of the said Ordinance ;

AND WHEREAS both Houses of the State Legislature are not in session; and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:-

Short title and commencement.

1. (1) This Ordinance may be called the Maharashtra Water Resources Regulatory Authority (Amendment and Continuance) Ordinance, 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 :—

Mah. XVIII of 2005.

“(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 :—

Power to appoint Committee to perform powers, etc., of Authority during intervening period when Authority is not reconstituted.

“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.”

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 ;

(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 :—

“(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,—

Substitution of section 4 of Mah. XVIII of 2005. Qualifications for Chairperson, other Members and Special Invitees of Authority.

Amendment of section 5 of Mah. XVIII of 2005.

- (a) the Chief Secretary. ... *Ex-officio* President.
- (b) the Secretary, Water Supply and Sanitation Department. ... *Ex-officio* Member.
- (c) the Secretary (WRM & CAD), Water Resources Department. ... *Ex-officio* Member.
- (d) the Director, Indian Institute of Technology, Mumbai. ... *Ex-officio* Member.
- (e) One person nominated by the Government from an eminent institute. ... Member.
- (f) the Secretary (WRP & D), Water Resources Department. ... *Ex-officio* 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 by withdrawal of Mah. Ord. XIII of 2016 and saving.

8. (1) The Maharashtra Water Resources Regulatory Authority (Amendment) Ordinance, 2016, is hereby withdrawn.

Mah. Ord. XIII of 2016.

(2) Notwithstanding such withdrawal, 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 Ordinance.

STATEMENT

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. Thereafter, upon the reassembly of the State Legislature on the 18th July 2016, the Maharashtra Water Resources Regulatory Authority (Amendment) Bill, 2016 (L.A. Bill No. XXV of 2016), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 27th July 2016 and was transmitted to the Maharashtra Legislative Council. However, as thereafter session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council.

As the State Legislature had re-assembled on the 18th July 2016, as provided by article 213(2)(a) of the Constitution of India, the said Ordinance shall cease to operate after the 28th August 2016, and the Government of Maharashtra considers it expedient to continue the operation of the provisions of the said Ordinance.

5. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the provisions of the Maharashtra Water Resources Regulatory Authority (Amendment) Ordinance, 2016 (Mah. Ord. XIII of 2016), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 30th August 2016.

CH. VIDYASAGAR RAO,

Governor of Maharashtra.

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

I. S. CHAHAL,
Principal Secretary to Government.