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CHAPTER-2

ROLE AND FUNCTIONS OF MHADA

2.1 Historical Perspectives of MHADA:

The Maharashtra Housing Board formerly called "Bombay Housing Board" was established in year 1948 and had a jurisdiction over the entire State of Maharashtra except Vidharbha region. This body undertook construction of residential buildings under various housing schemes for different sections of the society.

Successor body to the erstwhile Madhya Pradesh Housing Board. Its functions were similar to those of the Maharashtra Housing Board, except that it also advanced loan to co-operative housing societies, institutions and local authorities for the construction of houses. The Bombay Buildings Repairs and Reconstruction Board was constituted in 1971. It was created to deal with the problems faced by tenants residing in dilapidated buildings in the Island City of Bombay and undertook its structural repairs and reconstruction, so as to make them structurally so the allotment and maintenance of these buildings was being looked after by it. On the re-organization of the State, the Vidharbha Housing Board was established in the year 1960 as a safe for habitation. The Maharashtra Slum Improvement Board was constituted in 1974, with intention to provide basic amenities, such as water taps, drainage, pathways, latrines and streetlights etc. in slums. To begin with, its activities were confined to the Mumbai City and Mumbai Suburban Districts. These activities were later extended to the other parts of the State

The Maharashtra Housing & Area Development Authority (MHADA) has been established by the Maharashtra Housing and Area Development Act, 1976. It came into existence on 5th December 1977.

The erstwhile Mumbai Housing and Area Development Board was restructured by a Government Resolution dated 5.11.1992 and split into three separate Boards viz. Mumbai Housing and Area Development Board, Mumbai Building Repairs and Reconstruction Board and Mumbai Slum Improvement Board Under the Government Resolution No. 2679/B, dated 22.7.1992.

At present MHADA is Co-ordinating and controlling the activities of seven regional housing boards, setup for each revenue division in the state viz. Mumbai, Konkan, Pune, Nashik, Nagpur, Amravati, Aurangabad and two special purpose boards viz. Mumbai Building Repairs and Reconstruction Board and Mumbai Slum Improvement Board.

2.2 Jurisdiction of MHADA:

Jurisdiction of Regional Board according to respective District working under administrative control of MHADA as below:

Table No. 2.1

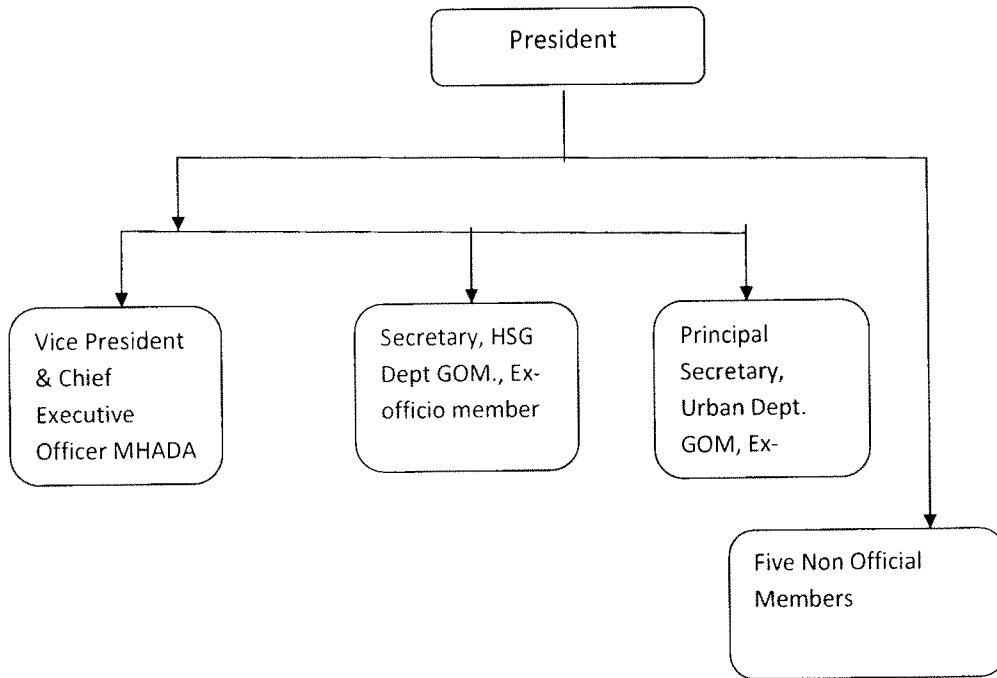
Sr. No.	Boards	Districts/City
1	Mumbai Housing and Area Development Board	Mumbai City Mumbai Suburban.
2	Mumbai Building Repairs and Reconstruction Board	Mumbai City
3	Mumbai Slum Improvement Board	Mumbai City Mumbai Suburban.
4	Konkan Housing and Area Development Board	Thane, Raidad, Ratnagiri, Sindhudurg.
5	Nashik Housing and Area Development Board	Nashik, Dhule, Jalgaon, Ahmednagar, Nandurbar.
6	Pune Housing and Area Development Board	Pune, Satara, Sangli, Solapur, Kolhapur.

7	Aurangabad Housing and Area Development Board	Aurangabad, Jalna, Parabhani, Beed, Nanded, Osmanabad, Latur, Hingoli.
8	Amravati Housing and Area Development Board	Buldhana, Akola, Amravati, Yaotmal, Washim.
9	Nagpur Housing and Area Development Board	Wardha, Nagpur, Bhandara, Chandrapur, Gadchiroli, Gondia.

Source: <http://www.mhada.gov.in>

2.3 Organizational Structure

Chart No. 2.1



Above Chart No.2.1 Shows the Organizational Structure of MHADA. In this system President is working at highest level and Controls the all activities of MHADA. At middle level Vice-president, Chief Executive officer (CEO), Secretary HSG Dept. of Government of MHADA and Principals Secretary Urban, Dept. of Government of MHADA are working. And at ground level five non official members are working.

2.3.1. Administration

Under the MHADA Act, 1976 the Authority is constituted of a President, a Vice President and five non-official Members all appointed by the State Government. The Secretary to Government in the Housing Department and the Urban Development Department are Ex-officio Members of the Authority. MHADA has at present part time President and full time Vice President who is also the Chief Executive Officer. The Authority is required to meet at least once in two months. The seven Regional Housing Boards and special purpose boards (MBRRB & MSIB) are also constituted by the estate government by appointing a part time Chairman, a Vice Chairman and other non official members. The Divisional Commissioner, the Municipal Commissioners except for Mumbai and Deputy Director of Town Planning are also ex-office members of the Housing Boards.

In order to discharge the duties assigned to various sections and maintain smooth functioning of the Department, Chief Vigilance & Security Officer, Chief Engineer (I)/(II), Secretary, Finance Controller, Deputy Chief Executive Officer, Legal Adviser and Chief Architect and Planner are assisting to Chief Executive Officer & Vice President, MHADA in his day to day work, as per the approved staffing pattern of officers and other employees under various categories appointed under administrative control of above said senior officers.

Table No. 2.2.

The work assigned to the officers is as under:

Sr. No.	Name of Department	Head of Department
1	Administration	Secretary
2	Technical Section	Chief Engineer-I & II
3	Estate Management	Deputy Chief Executive Officer
4	Finance & Account Section	Finance Controller
5	Legal Section	Legal Adviser
6	Vigilance & Enquiry Section	Chief Vigilance & Security Officer
7	Planning	Chief Architect and Planner
8	Regional Boards (Units of MHADA)	Chief Officers
9	Public Relation Depts.	P.R.O

Source: <http://www.mhada.gov.in>

2.3.2 Finance:

The Finance Department is headed by Finance controller who is deputed from Maharashtra finance services Ceded and is assisted by Account officers and Assistants Account officers.

Functions:

- Co-ordination, supervision and control of Accounts Branch.
- Control on all matters connected with Finance Budget, Budget and use of Authority's funds.
- Advice on financial matters.
- Preparation of Annual Accounts, replies to Audit Paras.
- Auditing of accounts of offices under its control.
- Any other subject assigned by V.P./C.E.O./A.

2.3.3 Legal:

The Legal Department of MHADA is having a Legal Adviser as its head with one Dy. Legal Adviser and five Assistant Legal Advisers and one Legal Assistant to assist and deal with the legal matters. For the Regional Boards situated outside Mumba: City a panel of Advocates has been appointed for each of the Regional Boards to deal with the litigation matters of those Boards.

Functions and Duties:

- Co-ordination, Supervision and control of legal branch.
- Supervision of the entire litigation of the Authority and of the Regional Boards.
- Briefing of counsels in important matters.
- Arranging to engage counsels to defend in various court cases for Authority and Regional Boards.
- Final vetting of affidavits in replies, written statements, counter affidavits etc.
- Giving legal advice/opinion to Authority and to its Regional Boards.
- Convincing work of Authority and Regional Boards.
- Drafting of Rules and Regulations, amendments thereof.
- Any other subject assigned by V.P. & CEO/A.

"Special Instructions":- In the Legal Department / A. the legal advisor/opinion/remarks are given to the officers of the Authority and /or its Regional Boards for their official work only. No opinion/advice/remarks is given to the private persons of the issues of the private nature of officers/employees of the Authority/Board.

2.3.4 Land and Estate:

Land and **Estate Management** wing is headed by Dy. Chief Executive Officer in the capacity of Dy. Chief Engineer MHADA. He is assisted by Estate Manager and Assistant Estate Manager (Land) with supportive staff. The main duty of this wing is Co-ordination, Supervision and control of Land and Estate Management matters of all Regional Boards.

Functions:

- Co-Ordination, Supervision and Control of Land and Estate Management Branch.
- Dealing the matters pertaining to Estate Sectors, Land Acquisition, and Application for CPF advance.
- Dealing the rules, regulations, bye laws, policies and procedures relating to estate management and disposal of land.
- Disposal of matters arising after allotment of tenements and plots in housing projects.
- Estate Management matters relating to Repairs and Reconstruction of Dilapidated building including transit camp accommodations.
- Allotment of space in MHADA office premises.
- Allotment of staff quarters.
- Formulation, monitoring and disposal of tenements and land.
- Periodical review of achievements.
- Any other work assigned by V.P. & CEO MHADA

2.3.5 Chief Vigilance & Security Officer (CV & SO):

Vigilance cell is headed by Chief Vigilance & Security Officer (CV & SO) by an IPS officer of Spl. I.G.P. rank as CV & SO is assisted by the Assistant Police Inspector on deputations from Police Department. Two Deputy Engineers from MHADA also appointed under CV & SO to help in enquiry of the cases. Vigilance Cell also enquiry into complaints from Regional Boards scattered all over Maharashtra.

Functions:

- Supervision, Coordination, and control of Vigilance Branch.
- Liaison with Police Department.
- Investigation of complaints of malpractices against officers and employees.
- Supervision of Griha Nirman Bhavan and other MHADA Officers situated in Mumbai from security angle.
- Access control including on holidays.
- Access control in MHADA office premises.
- Investigation of complaints having vigilance angle against all categories of employees, agencies, allotments, illegal agents operating for allotment: transit tenements and MHADA Flats.
- Monitor progress of action recommended by Vigilance branch in various cases.
- Surveillance on corruption prone areas such as allotment section, land branch, FSI, TDR permission, payment releasing section etc.
- Conduct surprise visits in sensitive & corruption prone areas.
- Prepare list of regular agents operating and to ban their entry in MHADA premises.
- Maintain Surveillance on employees of doubtful integrity, monitoring movements of illegal agents in MHADA premises, colonies.
- Implementation of guidelines issued by CVC as contained in the Vigilance Manual, Special Chapter on Vigilance Management in PSU's and amendments / circulars issued by the CVC from time to time.
- Ensure speedy processing of vigilance cases at all stages.
- Assistance to the Police in the investigation of cases related to MHADA.

2.4 Boards:

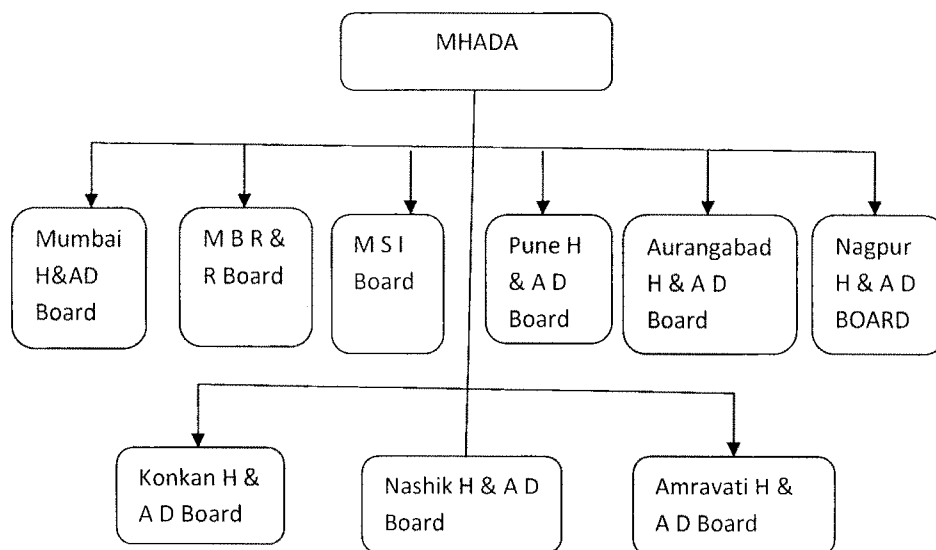
There are now nine Regional Boards under the administrative control of the Authority.

2.4.1 BOARDS UNDER MHADA

Board consists of Chairman, Part-time (one post), Vice Chairman full time/part time (one post). The Vice-Chairman of the Board is functioning as a Chief Officer of the Board. State Government appoints members of the Boards by issuing Govt. notification. In case the Vice-Chairman (Part time) is not appointed by State Govt., then the Chief Officer of the Board is separately appointed.

The Regional Boards have no separate corporate status. They are the “Executive Arms” of the Authority. The Chief Officers of the Regional Boards function under control of Vice President and Chief Executive Officer of the Authority. They are assisted by a sufficient numbers of technical and non-technical staff.

Chart No. 2.2



H & A D Board

Housing Area Development Board

M B R & R Board

Mumbai Building Repairs and Reconstruction Board

M S I Board

Mumbai Slum Improvement Board

2.4.1 Mumbai Housing and Area Development Board:

Bombay Housing Board was established in the year 1948 and had jurisdiction over the entire State of Maharashtra except Vidharbha Region. Vidharbha Housing Board was established in the year 1951 which had Jurisdiction over the Vidharbha region, in the state of Madhya Pradesh.

Both these bodies undertook construction of residential buildings under various housing schemes for different sections of the society. The allotment and maintenance of these buildings was being looked after by it. On the re-organization of the State in the year 1960, the Vidharbha Housing Board was merged in the Bombay Housing Board and after the merger; this board was called as Maharashtra Housing Board.

The Bombay Building Repairs and Reconstruction Board were constituted under the BBRB Act 1969. Maharashtra Slum Improvement Board was constituted under MSIB Act 1973.

MHADA was established in the year Act 1977 by merging Maharashtra Housing Board, MBRRB and MSIB. Under MHAD Act, MBRRB and MHB were merged together to form Bombay Housing and Area Development Board. Again in the year 1992 BBRRB was separated as independent board from BHADB. Later Bombay Housing and Area Development Board was renamed as Mumbai Housing and Area Development Board (MHADA).

Activities:

Following are the major activities of the P.P.D. Section:

- Processing proposals for administrative approval of V.P. /A through CE-II /A for Mumbai Board.
- Technical scrutiny of the detailed estimate and submitting proposal for according technical sanction to C.E.-II/A.
- Scrutiny of D.T.P's and submitting proposal for according approval to C.E.-II/A.
- Scrutiny of proposals for acceptance of tender.
- Compilation of work programme, revised work programme, budget, revised budget etc.

- Monitoring of LAQ / LCQ replies to be sent to Govt. concerned to Mumbai Board.
- Submission of monthly progress report to V.P. & C.E.O. / A through C.O./MB.
- Submission of progress report of 20 point programme / BSUP Project Administrative report etc.
- Preparation of report on technical issue for Chief Officer's conference, HOD/meeting etc.
- Scrutiny of technical issue regarding Housing schemes referred by CE-II/A.
- Development of sick/closed mill land allocated to MHADA under amended DCR 58 for mill workers housing and transit.
- Data collection process of mill workers of sick/closed mills in the region of MCGM.

2.4.2 Mumbai Building Repairs and Reconstruction Board, Mumbai (MBRRB):

The Government of Maharashtra with a view to deal with the problems of repairs and reconstructions of old dilapidated tenanted buildings in the Island City of Mumbai whose rents were frozen at the year 1940 as per the provisions of the Rent Control Act, formed the Bedekar Committee in the year 1968.

On recommendations of the said Committee, Government of Maharashtra passed the Bombay Building Repairs and Reconstruction Act in the year 1969. Under the provisions of this Act, the Bombay Building Repairs and Reconstruction Board was formed in the year 1971. A repair cess was levied on old dilapidated tenanted buildings under the provisions of this Act. Thus, these buildings were called cessed buildings.

Till 1977, this board was directly functioning under government. Subsequently this Act was merged with the Maharashtra Housing and Area Development Act 1976 in December 1977.

The activities of the Board were assigned to the Mumbai Housing & Area Development Board under Chapter -VIII of the MHAD Act - 1976.

Later on, the Mumbai Housing & Area Development Board was divided into three different Boards in November 1992 under provision of Section 18 of the MHAD Act.

The three Boards that were formed are:

- (i) Mumbai Housing and Area Development Board
- (ii) Mumbai Slum Improvement Board
- (iii) Mumbai Building Repair and Reconstruction Board.

Mumbai Building Repair and Reconstruction Board has been assigned to perform the duties of carrying out structural repairs of old cessed buildings and their reconstruction by following procedure laid down under chapter VIII and VIII 'A' of the MHAD Act 1976.

2.4.3 The Pune Housing and Area Development Board:

The Pune Housing and Area Development Board, Pune is a regional unit of MHADA. It is established on 5th December 1977 as per the provisions in section 18 of the Maharashtra Housing and Area Development Act, 1976.

The Board is functioning at Regional Head Quarters at Pune having territorial Jurisdiction over 14 Regions of Pune Division namely; Pune, Pimpri Chinchwad, Kolhapur, Ichal-Karanji, Solapur, Barshi, Pandharpur, Sangali-Miraj-Kupwad, Satara, Karad, Lonawala, Baramati, Islampur and Phaltan Regions. The Board is functioning under superintendence and control of the Maharashtra Housing and Area Development Authority, Mumbai.

Activities:

- To provide the shelter (House, Plots, Shops, Sites & etc.) to the public services.
- To implement the Government programme of providing Housing under Lok Awas Yojana, VAMBAY Yojana, NSDP Yojana, IHSDP Yojana, BSUP Yojana, RGGNY Part- I & Part- II Yojana
- The lands for Housing Schemes are made available through the various sources like ULC under section 41, under section 52, corporation reservations for EWS scheme, and Municipal lands for Housing.

2.4.4. Aurangabad Housing and Area Development Board:

The Aurangabad Housing and Area Development Board, Aurangabad is a regional unit of MHADA. It is established on 5th December 1977 as per the provisions in section 18 of the Maharashtra Housing and Area Development Act, 1976.

The Board is functioning at Regional Head Quarters at Aurangabad having territorial Jurisdiction over 8 Districts of Aurangabad Division (Marathwada Region) namely; Aurangabad, Jalna, Parbhani, Hingoli, Nanded, Latur, Beed & Osmanabad Districts. The Board is functioning under superintendence and control of the Maharashtra Housing and Area Development Authority, Mumbai.

Activities:

- Construction of Dwelling Units (CDU)
- Land Procurement and Development (LPD)
- Valmiki Ambedkar Malin Basti Awas Yojana (VAMBAY)
- Nirmal Bharat Abhiyan Yojana (NBA)

2.4.5. Nagpur Housing and Area Development Board:

Vidarbha Housing Board was working in Vidarbha since year 1951. Thereafter since 5th December 1977, Nagpur Housing and Area Development Board as a regional unit of MHADA came into existence with jurisdiction of work in Nine Districts of Vidarbha. On 13th August 1992, Amravati Housing and Area Development Board have been established and is separated out from Nagpur Board.

Activities:

Nagpur Housing Board implement mainly following programmes;

- Housing Schemes.
- National Housing Programme.
- Special Planning Authority, New Chandrapur.
- Jawaharlal Nehru National Urban Re-development Mission (JNNURM) and Integrated Housing Slum Development Programme (IHSDP).
- Rajiv Gandhi Gramin Niwara Yojana.

2.4.6. Konkan Housing and Area Development Board:

Section 18 of the Maharashtra Housing and Area Development Act 1976 provides for four Regional Boards and fifth board viz. Konkan Housing and Area Development Board was established on 24th March 1981.

The Board is functioning at Regional Head Quarter at Mumbai having territorial Jurisdiction over 4 Districts of Konkan Division namely; Thane, Raigad, Ratnagiri & Sindhudurg. The Board is functioning under superintendence and control of the Maharashtra Housing and Area Development Authority, Mumbai.

Activities:

- Land procurement (Government /Semi Government/ ULC/Private Land)
- Housing (Construction of Tenaments & Development of plots)
- Estate Management
- BSUP / IHSDP Scheme Monitoring (Nodal Agency)
- Rajiv Gandhi Gramin Niwara Yojana No. 1 & 2 Monitoring (Nodal Agency)
- ISHUP (Nodal Agency)

2.4.7 Nashik Housing and Area Development Board:

The Nashik Housing and Area Development Board, Nashik is a regional unit of MHADA. It was established on 23rd August 1992 as per the provisions in section 18 of the Maharashtra Housing and Area Development Act, 1976. The Board is functioning with its Regional Head Quarters at Nashik having territorial jurisdiction over 5 Districts of Nashik Division namely: Nashik, Ahmednagar, Dhule, Nandurbar and Jalgaon. The Board is functioning under superintendence and control of the Maharashtra Housing and Area Development Authority, Mumbai.

Activities:

The Regional Board has to act and carry out its functions within the ambit and framework of decisions taken by the MHADA and also within the ambit of powers delegated to the Regional Boards.

1. **Housing Activities:** - Construction of dwelling units such as tenements/plots/commercial complexes etc. as per the various income categories. Such as E.W.S., L.I.G., M.I.G., H.I.G.
2. **Slum Improvement Programmes**
 1. Lok Awas Yojana
 2. Valmiki Ambedkar Awas Yojana
 3. Jawaharlal Neharu National Urban renewal mission
 4. Integrated Housing and slum development programme
 5. National Slum Development Programme
 6. Khandesh Vikas Package Programme
3. **Rajiv Gandhi Garmin Nivara Yojana No. 1 (For BPL)**
4. **Rajiv Gandhi Garmin Nivara Yojana No. 2 (For APL)**
5. **Land procurement**

2.4.8 Amravati Housing and Area Development Board:

The Amravati Housing and Area Development Board, Amravati is a regional unit of MHADA. It is established on 22nd July 1992 vide GR No. 2679/B, of Government of Maharashtra and judiciary Department. The Board is functioning at Regional Head Quarters at Amravati having territory over 5 Districts of Amravati Division namely, Amravati, Akola, Yavatmal, Buldhana and Washim Districts. Previously above districts were under Nagpur Housing & Area Development Board. Subsequently the Amravati, Board was formed by splitting Nagpur Board. The Board is functioning under superintendence and control of the Maharashtra Housing and Area Development Authority, Mumbai. The Head office of Amravati Housing and Area Development Board is at Griha Nirman Bhavan, Tope Nagar, near Mal Tekadi, Amravati.

Activities:

1. To provide the Shelter (House, Plots, Shops, site & services etc) to the urban public under various income groups.
2. To implement the Govt. Programme of providing Housing under Lok Awas Yojana, Vambay Yojana, NSDP Yojana, IHSDP Yojana, BSUP Yojana, RGGNY.
3. The lands for housing schemes are made available through the various source i.e. Govt. land, land purchased from Govt./Semi Govt. organization, land acquired/purchased under section 41 & 52 of MHADA Act.
4. To act at Special Planning Authority in Certain areas.
5. To implement special prestige's project like flood Housing etc.

2.5 Functions of MHADA's As Per Maharashtra Hosing and Area Development Act, 1976:

Subject to the provisions of the Town Planning Act and the provisions of clauses (b) and (h) of sub-section (l) of section 12 and section 13 of the Metropolitan Act, it shall be the duty and function of the Authority:

- a) To prepare or direct the Boards to prepare and execute proposals, plans or projects for:
 - i. Housing accommodation in the State or any part thereof, sale, including transactions in the nature of hire-purchasing of tenements in any building vested in, or belonging to the Authority, or exchange of property of the Authority;
 - ii. Development including provision for amenities in areas within the jurisdiction of the Authority;
 - iii. Clearance and re-development of slums in urban areas;
 - iv. Development of peripheral areas of existing urban areas to ensure an orderly urban overspill;
 - v. Development of commercial centers;

- vi. Development of new towns in accordance with the provisions of the Town Planning Act;
- vii. Development of lands vested in the Authority;
- viii. To closure or demolition of dwellings or portions of dwellings unfit for human habitation;
- ix. The demolition of obstructive or dangerous and dilapidated building or portions of such buildings;
- x. Repairs to, or construction and reconstruction of buildings;
- xi. The slum improvement works and improvement of sanitary arrangements required in any slum improvement area, including the conservation and prevention of any injury or contamination to rivers or other sources and means of water-supply;
- xii. Undertakings and promoting prefabrication and mass production of buildings components;
- b) To manage all lands, houses and buildings or other property vested in, or belonging to the Authority;
- c) To approve proposals, plans or projects prepared by Boards;
- d) To raise resources for the purpose of carrying out the objects of this Act and subject to the directions, if any, made by the State Government, to make suitable allocation of resources to the boards;
- e) To approve the budget of the Boards;
- f) To lay down policy regarding disposal of developed sites and housing tenements of the Authority;
- g) To give directions to Boards for developing areas this in the opinion of the Authority should be developed;

- h) To do all such matters and things as are necessary for the exercise or performance of all or any of the functions and duties of the Authority including incurring of expenditure in that behalf;
- 2) In addition to the duties and functions referred to in sub-section (l) , the Authority may undertake such other duties and functions, including those of a Planning Authority or Special Planning Authority under the Town Planning Act, as the State Government may assign to the Authority in any specified area, and in doing so, the Authority shall be deemed to be fulfilling the purposes of this Act and the provision of the Act shall apply to the Authority in respect of those duties and functions also.
- 3) The Authority may exercise all or any of the following powers for the purpose of discharging its functions and performing its duties under this Act, namely;
- i. To borrow;
 - ii. To enter into agreements and contracts;
 - iii. To sell, purchase, lease, mortgage, exchange, partition or otherwise transfer any land or building or to hold land entrusted to it by Government or by any authority;
 - iv. To make regulations regarding:
 - a. Procedure to be followed regarding contracts,
 - b. Operation of accounts of the Authority;
 - c. All matters pertaining to staff of the Authority;
 - v. To promote or to participate in the formation of limited companies under the Companies Act, 1956, in furtherance of the objectives of the Authority with of the prior permission of the State Government;
 - vi. Management of each state including co-operative societies;
 - vii. To enter and search any Authority premises after due notice, when necessary to the inmates thereof;

- viii. To execute or carry out any repairs to the lands or buildings vesting in or belonging to, the Authority;
- ix. All other powers necessary for carrying out the purpose of this Act including the power to levy or charge fees.

2.6 Power, Duties and Functions of Boards:

- 1) The powers, duties and functions of the Boards shall, subject to the provisions of sub-section
- 2) Be
 - a) To prepare proposals, plans or projects for any of the matters referred to in clause
 - a) of sub-section (1) of section 28 and execute them;
 - b) To enter into contracts in the name of the Authority;
 - c) To function on behalf of the Authority as Special Planning Authority under the Town Planning Act;
 - d) To carry out such powers, duties and functions as the Authority may delegate to the Boards.
- 2) ¹[The Mumbai Housing and Area Development Board] or ²[The Mumbai Repairs and Reconstruction Board] or the ²[Mumbai Slum Improvement Board] or the Konkan Housing and Area Development Board as the case may be] shall execute any such plan or project within its area of jurisdiction in the Metropolitan Region so as not be inconsistent with the projects or schemes formulated for the development of the Metropolitan Region or any part thereof under the Metropolitan Act.

¹ These words were substituted for the words "The Bombay Housing and Area Development Board", "the Bombay Repairs and Reconstruction Board" and the Bombay Slum Improvement Board" respectively, by Mah.25 of 1996, s. 2, Sch. para (3).

² Sub-section (3) was deleted by Mha.54 of 1977, s.4.

2.7 Control:

Power of State Government to give directions and instructions and to suspend resolutions and orders:

- 1). The State Government may from time to time issue such directions or instructions as it think it in regard to finances and conduct of business and affairs of the Authority and such Board shall be bound to follow and act upon these directions or instructions.
- 2). a) Without prejudice to the generality of the foregoing provision, if the State Government is of opinion that the execution of any resolution or order of the Authority or of nay Board is in contravention of, or in excess of, the powers conferred by or under this Act or any other law the time being in force, or is likely to lead to abuse or misuse of or to cause waste of the Fund of the Authority, the State Government may, in the public interest, by order in writing, suspend the execution of such resolution or order. A copy of such order shall be sent forthwith by the State Government to the Authority and its "Chief Executive Officer and the Board concerned and its Chief Officer.
- b) On receipt of the order sent as aforesaid, the Authority, or the Board, as the case may be, shall be bound to follow and act upon such order.

2.7.1 Power of State Government to Order Inquiries:

- 1) The State Government may, with a view to satisfying itself that the powers and duties of the Authority or any of its Boards are being exercised and performed properly, at any time, appoint any person or persons to make inquiries into all or any of the activities of the Authority or the Boards, as the case may be, and to report to the State Government the result of such inquires.
- 2) The Authority or the Board shall give to the person or persons so appointed all facilities for the proper conduct of the inquiries and shall produce before such person or persons any document, account or information in the possession of the Authority or Board, which such persons demand for the purpose of the inquires.

2.7.2 Reconstruction of Authority of Board:

- 1) Notwithstanding anything contained in this Act, the State Government, if it is of opinion that it is expedient for any reason to reconstitute the Authority or any Board which is duly constituted under this Act, then it may, by notification in the Official Gazettes, direct that the Authority or Board specified in the notification and functioning immediately before the date of such notification shall cease to function, and reconstitute such Authority or Board as provided in section 6, or as the case may be, section 18 of this Act.
- 2) The opinion formed by the State Government under this section to reconstitute the Authority or any Board shall be final and conclusive and shall not be called in question in any court.

2.7.3 Default in Performance of Duty:

- 1) If the State Government is satisfied that the Authority or any Board has made default in performing any duty imposed on it by or under this act it may fix a period for the performance of that duty.
- 2) If in the opinion of the State Government, the Authority of the Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government, notwithstanding anything contained in section 6 or 18, to supersede and reconstitute the Authority, or as the case may be, the Board in the prescribed manner.
- 3) After the supersession of the Authority or the Board and until it is reconstituted, the powers, duties and functions of the Authority or Board under this Act, shall be exercised and performed by the State Government or by such officer or officers as the State Government may appoint for this purpose.
- 4) Notwithstanding anything contained in this section, if the Authority is satisfied that any Board is not performing any duty imposed on it by or under this Act to secure efficient implementation thereof, the Authority may recommend to the State Government that the board may be dissolved. On receipt of such recommendation, the State Government may dissolve the Board and either appoint an

Administrative Officer to exercise all the powers and perform all the duties of the Board or appoint another Board to exercise such power and perform such duties.

2.7.4 Power to Appoint Administrator:

- 1) If it appear to the State Government that the Authority is unable to exercise the powers or perform or discharge the duties or functions conferred or imposed upon it by or under this Act, or that majority of the members has resigned or the term of office of the members has expired and the State Government does not consider it expedient to reconstitute the Authority or fill the vacancies, the State Government may, notwithstanding anything contained in section 6 or any other provision of this Act, by notification in the official gazette, in place of the Authority constituted under section 6, appoint an Administrator such period or periods, as may be determined by the State Government. After the expiry of his term of office the Administrator shall continue in office until the day immediately preceding the date of the first meeting of the Authority, duly reconstituted in accordance with provisions of section 6.
- 2) The Administrator so appointed shall be deemed to constitute the Authority for the time being, and shall exercise all the powers and perform and discharge all the duties and functions conferred and imposed upon the Authority or any of its authorities, members or officer, by or under this Act, or any other law for the time being in force.
- 3) The Administrator shall receive such remuneration from the fund of the Authority, and the other conditions of service shall be such, as the State Government may determine.
- 4) The Administrator may, subject to the general or special order of the State Government, delegate any of the powers, duties and functions exercisable or to be performed by him, to any officers of the Authority specified in the order:

Provided that, nothing in this section shall affect the powers, duties or functions entrusted to any Board under this Act.

2.7.5 Dissolution of Authority:

1) The State Government may, by notification in the Official Gazettes, declare that, with effect from such date as may be specified in the notification, the Authority shall stand dissolve:

Provided that, no such declaration shall be made by the State Government unless a resolution to that effect has been moved in, and passed by, the Maharashtra Legislative Assembly.

2) With effect from the date specified in the notification under sub-section (1)-

a) All the members shall vacate their office;

b) All prosperities, funds and dues which are vested in or realizable by the Authority shall vest in, and realizable, by the State Government;

c) All liabilities enforceable against the Authority shall be enforceable against the State Government to the extent of the properties, funds and dues vested in, or realized by the State Government.

3) Nothing in this section shall affect the liability of the State Government in respect of loans or debentures guaranteed under sub-section (5) of section 36.

2.8 Rules, Regulations and By-Laws:

2.8.1 Power to Make Rules:

1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

2) In particular and without prejudice to the generality of the provisions of sub-section (1), such rules, may provide for all any of the following matters, namely;

i) For regulating the mode of recruitment including provisions for absorption or promotion of persons already working in any Board and for providing terminal benefits under sub-section (5) of section 19;

- ii) Conditions to be prescribed under sub-section (1) including issue of debentures under sub-section (2) of section 36;
- iii) The manner of maintenance of the books of account and the preparation of the annual statement of accounts of the Authority under sub-section (1) of section 39;
- iv) The manner of service of the notice under the proviso to sub-section (1) of section 41;
- v) The manner of holding the inquiry by the Land Acquisition Officer and service of notice on the owner of the land, under sub-section (5) of section 44;
- vi) The period within which the betterment charges proposed by the Authority to be accepted by the person concerned, under sub-section (3) of section 54;
- vii) The rate on interest to be charged on any outstanding payment of the Authority under sub-section (1) of section 55;
- viii) The rules subject to which the Authority may retain, lease, sell, exchange, or otherwise dispose of any land, etc. under section 64;
- ix) The other manner in which a notice under sub-section (1) of section 66 may be given;
- x) The manner of publication of notice under sub-section (4) of section 66;
- xi) ²[The penalty to be imposed] for default in the payment of rent or compensation under Explanation II to section 66;
- xii) The rules subject to which the recovery of rent, compensation or damages may be recovered arrears of land revenue under sub-section (1) of section 67;
- xiii) The other matters in respect of which the Competent Authority shall have the powers of the civil court under the Code of Civil Procedure, 1908, under section 69;

²These words were substituted for the words "the manner of levying penalty" by Mach. 12 of 1989, s. 17.

- xiv) The manner in which the rebate shall be claimed by, and paid to the Municipal Corporation of Greater Bombay, under sub-section (2) of section 85;
- xv) Regulating all matters connected with ³[The Mumbai Building Repairs and Reconstruction Fund] under sub-section (3) of section 86;
- xvi) Regulating all matters connected with the Maharashtra Slum Improvement Fund, under sub-section (2) of section 117;
- xvii) The manner in which the resignation shall be delivered by the member, Sarpanch or Up-Sarpanch of a Panchayat resigning his office, under section 126;
- xviii) Prescribing notice to be given for moving no-confidence motion against the Sarpanch or the Up-Sarpanch, under sub-section (1) of section 127;
- xix) The interval and the procedure for the meetings of the Panchayat, under section 128;
- xx) The power to be exercised and functions to be performed by the Sarpanch and Up-Sarpanch, under section 129;
- xxi) The manner and the form in which every contract made and executed by the Sarpanch on behalf of the Panchayat, under sub-section (2) of section 139;
- xxii) The form of the writ of demand under sub-section (2), the manner of distraint and sale of moveable property under sub-section (4), and the form and manner in which a written receipt for any amount recovered by the Panchayat shall be given under sub-section (6), of section 140;
- xxiii) The custody in which the sums received by the Panchayat and the Panchayat fund shall be kept, under section 142;
- xxiv) The date before which and the form in which the annual statement of the opening balance in the Panchayat fund and the expenditure the Panchayat shall submit to the Board under sub-section (1) and the form in which the account of the

³ These words were submitted for the original, by Mach. 25 of 1996, s. 2 Such. Para (3) (G.C.P) H 4172-11 (10.089-2-98)

Panchayat shall be kept by the Sarpanch and the date before and the form in which the annual statement of accounts shall be sent to the Board by the Sarpanch under sub-section (3) of section 144;

xxv) The manner of supersession and reconstitution of the Authority, or as the case may be, the Board under sub-section (2) of section 167;

xxvi) Levy fees for any of the purpose of this Act, and for refund of such fees.

3) Except when rules are made for the first time, all rule made under this Act shall be subject to the condition of previous publication.

4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under this rule.

2.8.2 Power to Make Regulations:

1) The Authority may, from time to time, with the previous sanction of the State Government, make regulations, consistent with this Act and the rules made there under, and for all or any of the matters which have to be or may be, prescribed or provided by regulation under any of the provisions of this Act.

2) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Act to make any regulations in respect of matters specified in sub-section (1) or to amend any regulation made under that sub-section the State Government may call upon the Authority to make such regulation or, amendment within such time as it may specify. If the Authority fails to make such regulation or amendment within the time specified, the State Government itself

may make such regulation or the amendment so made shall be deemed to have been duly made by the Authority under sub-section (1).

2.8.3 Power to make by-laws:

- 1) The Authority may make by-laws, not inconsistent with this Act or any rule or regulation, which may be necessary or expedient for the purpose of carrying out its duties and function under this Act.
- 2) No by-law made by the Authority shall come into force until it has been confirmed by the State Government with or without modification.
- 3) All by-laws made under this section shall be published in the Official Gazette by the Authority.

2.8.4 Penalty for Contravention of by-laws:

Whoever contravenes by-law made under section 186 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Reference:

- 1) Government of Maharashtra (Law and Judiciary Department), The Maharashtra Housing and Area Development Act, 1976.
- 2) <http://www.mhada.gov.in>
- 3) <http://www.pune housing and area development authority>.