

The Maharashtra Finance Commission (Miscellaneous Provisions) Act, 1994

MAHARASHTRA

India

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Act 23 of 1994

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The Maharashtra Finance Commission (Miscellaneous Provisions) Act, 1994(Maharashtra Act No. 23 of 1994)(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 22nd April, 1994).An Act to provide for the composition of, the qualifications requisite for appointment as members of, the Maharashtra Finance Commission, the manner in which they shall be selected, their powers and matters connected therewith or incidental thereto.Whereas it is expedient to provide for the composition of, the qualifications requisite for appointment as members of, the Maharashtra Finance Commission, the manner in which they shall be selected, their powers and for matters connected therewith or incidental thereto; It is hereby enacted in the Forty-fifth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Maharashtra Finance Commission (Miscellaneous Provisions) Act, 1994.

2. Definitions.

- In this Act,-(1)"Chairman" means the Chairman of the Commission;(2)"Commission" means the Finance Commission constituted by the Governor pursuant to clause (1) of article 243-I of the Constitution.

3. Composition of Commission.

- The Commission shall consist of a Chairman and four other members.

4. Qualifications for appointments, and manner of selection of Chairman and Members of Commission.

- The Chairman of the Commission shall be an eminent serving or retired civil servant well versed in administration and finance or a person with experience in public affairs and four other members shall be elected from amongst persons who, - (a) have special knowledge of finance and accounts of Government; or (b) have had wide experience in financial matters and in administration; or (c) have special knowledge and experience about the local self-Government in urban area; or (d) have special knowledge and experience about the local self-Government in rural area : Provided that, one of the members shall be a person who is holding or has held the post not lower in rank than that of [an officer in Junior Administrative Grade in Indian Administrative service or an officer in equivalent grade] [Substituted by Maharashtra 11 of 2000, Section 2 (w.e.f. 7.1.2000).] and he shall be the member-secretary of the Commission.

5. Personal interest to disqualify Chairman and Members.

- Before appointing a person to be the Chairman or a member of the Commission, the Governor shall satisfy himself that person will have no such financial or other interest is likely to affect prejudicially his functions as a Chairman or a member of the Commission, and the Governor shall also satisfy himself from time to time with respect to every member of the Commission that he has no such interest and any person who, is, or whom the Governor purposes to appoint to be, the Chairman or a Member of the Commission shall, whenever required by the Governor so to do, furnish to him such information as the Government considers necessary for the performance by him of his duties under this section.

6. Disqualifications for being Chairman or Member of Commission.

- A person shall be disqualified for being appointed as, or for being as the Chairman or a Member of the Commission; (a) if he is of unsound mind; [and stands so declared by the competent Court] [Added by Maharashtra 15 of 1995, Section 2 (w.e.f. 18.8.1995).]; (b) if he is an undischarged insolvent; (c) if he has been convicted of an offence involving moral turpitude; (d) if he has such financial or other interest as is likely to affect prejudicially his functions as the Chairman or a member of the Commission.

7. Term of the office of Chairman and Members and eligibility for reappointment.

- The Chairman and every member of the Commission shall hold office for such period as may be specified in the order of the Governor appointing him, but shall be eligible for reappointment : Provided that, he may, at any time, by writing under his hand addressed to the Governor, resign his office.

8. Conditions of service and salaries and allowance of the Chairman and Members.

- The Chairman and the Members of the Commission shall render whole time or part time service to the Commission as the Governor may, in each case, specify; and there shall be paid to the Chairman and the members of the Commission such fees or salary and such allowances as the State Government may, by order from time to time, determine.

9. Procedure and powers of the Commission.

(1)The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely :-(a)summoning and enforcing the attendance of witnesses;(b)requiring the production of any document; and(c)requisitioning any public record from any Court or office.(2)The Commission shall have power to require any person to furnish information on such points or matters as, in the opinion of the Commission may be useful or relevant to any matter under the consideration of the Commission and any person so required shall, notwithstanding anything contained in any other law for the time being in force, be deemed to be legally bound to furnish such information within the meaning of section 176 of the Indian Penal Code.(3)The Commission shall be deemed to be a Civil Court for the purposes of sub-section (1) of section 345 and of section 346 of the Code of Criminal Procedure, 1973.Explanation. - For the purposes of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the State of Maharashtra.