

The Bombay Statutory Corporations (Regional Reorganization) Act, 1960

GUJARAT

India

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Act 21 of 1960

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The Bombay Statutory Corporations (Regional Reorganization) Act, 1960 Bombay Act No. 21 of 1960 [Dated 12th April, 1960] For Statement of Objects and Reasons, see Bombay Government Gazette, 1960, Part V, page 20. An Act to take power for the reorganisation of certain corporation; and for matters connected therewith. Whereas certain corporations have been established and are functioning in the [Bombay area of the State of Gujarat] [These words were substituted for the words 'Pre-reorganisation State of Bombay excluding the transferred territories' by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], excluding the transferred territories; And Whereas it is expedient to take power to reorganise those corporations by setting up separate corporations for the Gujarat and Maharashtra regions of the State; It is hereby enacted in the Eleventh Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Bombay Statutory Corporations (Regional Reorganization) Act, 1960.

2. Definitions.

- In this Act unless the context otherwise requires-(a)"existing corporation" means a body corporate constituted under any Act mentioned in the Schedule or any such body which is deemed to be the body corporate for the purposes of any such Act, or which is performing the functions, discharging the duties and exercising the powers of any such body;(b)"Gujarat region" means such area as the State Government may by notification in the Official Gazette, specify to be the Gujarat region;(c)"Maharashtra region" means the area comprised in the [Bombay area of the State of Gujarat] [These words were substituted for the words 'Pre-reorganisation State of Bombay excluding the transferred territories' by the Gujarat Adaptation of Laws (State and Concurrent

Subjects) Order, 1960.] excluding the transferred territories and also the Gujarat region;(d)"region" means the Maharashtra region or the Gujarat region; and "regional" shall be construed accordingly.

3. Reorganisation of existing corporations and setting up of regional corporations.

(1) If it appears to the State Government expedient that any existing corporation which is operating and functioning immediately before the commencement of this Act, should be dissolved or that it should be reconstituted and reorganised so that there are established or functioning separate corporations for the Maharashtra and Gujarat regions that Government may by order make provision for such dissolution or reconstitution and reorganisation of such existing corporation. (2) An order made under sub-section (1) may notwithstanding anything contained in any of those Acts provide for all or any of the following matters that is to say:- (a) the dissolution of any existing corporation; (b) the reorganisation and reconstitution in any manner whatsoever of an existing corporation, including the constitution where necessary of one or more regional corporations; (c) the area in which the existing corporation as reorganised or any new corporation shall function and operate; (d) the nomination of a chairman or president of any existing corporation as reorganised or of any new corporation; (e) the nomination of such number of members to constitute any existing corporation as reorganised or any new corporation for such period as may be specified in the order or until a corporation is duly constituted for the region under any of the Acts aforesaid; (f) the provision for a quorum for the meeting and other proceedings of an existing corporation as reorganised or for any new corporation; (g) where an existing corporation is a corporation sole the appointment of any person to the office of that corporation as reorganised or of any such new corporation; (h) the appointment of any Registrar or any other officer or person required to be appointed by or under any of the Acts aforesaid and the terms and conditions of service applicable to him; (i) the transfer in whole or in part of the assets rights and liabilities of the existing corporation including the rights and liabilities under any contract made by it to one or more new corporation and the terms of such transfer; (j) the substitution of any such transferee of the existing corporation or the addition of any such transferee as a party to any legal proceedings or proceedings pending before any officer or authority to which the existing corporation is a party; (k) the transfer of any proceedings pending before any existing corporation or any officer or authority to any new corporation or any other officer or authority which may be designated; (l) the transfer or re-employment of any employees of an existing corporation to or by any such transferee and the terms and conditions of service applicable to such employees after such transfer or re-employment: Provided that the terms and conditions of service of any such employees shall not until altered by an authority designated be less favourable than those applicable to him while in the service of the existing corporation; (m) that any registers maintained by an existing corporation shall be divided in such manner as is provided in the order or that such registers shall be deemed to be prepared or maintained by the existing corporation as reorganised or by any new corporation or by each of them; (n) that any person who immediately before a specified date is on any register or list prepared and maintained by any existing corporation under any of the Acts aforesaid shall be entitled to practise in the area within the jurisdiction of the existing corporation as reorganised or any new corporation or within the jurisdiction of both of them; (o) that any institution recognised or approved by any existing corporation shall be deemed to be recognised or approved by the existing

corporation as reorganised or by any new corporation or by both of them in such way and subject to such conditions as may be specified in the order;(p)that a public trust duly registered under the Bombay Public Trusts Act, 1950 (Bombay XXIX of 1950) the property of which is wholly situated in one region and the registered office of which is in another region or the property of which is partly situated in one region and partly in another shall be deemed to be registered in a particular region or in both regions;(q)the division or re-allocation of any schemes which may be formulated approved or sanctioned by the existing corporation as reorganised and any new corporation or between any new corporations;(r)the provision for the right to recover any loans subventions contributions or other monies or any part thereof by the State Government or by the existing corporation as reorganised or by any new corporation;(s)the provision that anything done or any action taken (including any appointment or delegation made notification order instruction or direction issued rule regulation form bye-law, or scheme framed certificate obtained permit or licence granted or registration effected) by the existing corporation shall be deemed to be a thing done or action taken by the existing corporation as reorganised or any new corporation or by each of them;(t)all incidental consequential or supplementary matters as may be necessary to give effect to the establishment of regional corporations and for the proper and just distribution of rights assets and liabilities between them;(u)the adaptation and modification of any of the Acts aforesaid under which an existing corporation is functioning and operating whether by way of repeal or amendments may be necessary or expedient to give effect to the setting up of regional corporations.(3)The validity of the proceedings of any existing corporation as reorganised or any new corporation or anything done by any such body shall not be questioned on the ground merely of any vacancy in such body or any defect or irregularity in the constitution thereof.(4)Where any order is made under this section transferring any assets, rights or liabilities of an existing corporation then by virtue of such order, such assets, rights or liabilities of the existing corporation shall vest in and be the assets, rights and liabilities of the transferee.(5)Any order made under this section shall be published in the Official Gazette and shall take effect from such date (not being a date earlier than the date of the commencement of this Act) as is specified in the order; and the Act under which the existing corporation was functioning and operating shall have effect subject to the provisions of the order and the adaptation and modification made thereby until duly altered, repealed or amended by the competent Legislature.(6)Except as otherwise provided by this Act, or any order made thereunder, the Act under which an existing corporation is functioning and operating shall in all other respects apply to such existing corporation as recognised, or to any new corporation constituted for a region.

4. Power of State Government to add to Schedule.

- The State Government may by notification in the Official Gazette, specify in the Schedule any Act under which a body corporate constituted or deemed to be constituted for the [Bombay area of the State of Gujarat] [These words were substituted for the words 'Pre-reorganisation State of Bombay excluding the transferred territories' by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], excluding the transferred territories is functioning, and on the issue of such notification the Schedule shall be deemed to be amended by the inclusion of such Act therein.The Schedule[See Sections 2 And 4]

Existing Corporation

Relevant Act

1

The Secondary School Certificate The

1. Bombay Secondary School Certificate Examination Board.

2. The Bombay Housing Board

3. The Khar Lands Development Board

4. The Charity Commissioner, Bombay

5. The Bombay Labour Welfare Board

2

Examination Act, 1948 (Bombay XLIX of 1948).

The Bombay Housing Board Act, 1948 (Bombay LXIX of 1948).

The Bombay Khar Lands Act, 1948 (Bombay LXXII of 1948).

The Bombay Public Trusts Act, 1950 (Bombay XXIX of 1950).

The Bombay Labour Welfare Fund Act, 1953 (Bombay XL of 1953).