

**MAHARASHTRA DISTRICT PLANNING AND METROPOLITAN
PLANNING COMMITTEES (CONSTITUTION AND FUNCTIONS)
ACT, 1994
19 of 1994**

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**MAHARASHTRA DISTRICT PLANNING AND METROPOLITAN
PLANNING COMMITTEES (CONSTITUTION AND FUNCTIONS)
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To provide for constituting at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the District and to prepare a draft development plan for the district as a whole and for constituting in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole; and to provide for matters connected therewith or incidental thereto

CHAPTER 1

Preliminary

1. Short title and extent :-

(1) This Act may be called the Maharashtra District Planning and Metropolitan Planning committees (Constitution and Functions) Act, 1994.

(2) It extends to the whole of the State of Maharashtra.

2. Definitions :-

In this Act, unless the context requires otherwise, -

(a) "Backward class of citizens" means such classes or parts or group within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and Vimukta Jatis and Nomadic Tribes,

(b) "development plan" means socio-economic development plan for primary, secondary and territory sectors of economy as outlined in the Five Year Plan and Annual Plan of the country in general and State in particular;

(c) "district" means a district as defined in clause (b) of article 243-P of the Constitution of India;

(d) "Metropolitan area" means a Metropolitan area as defined in ssclause (c) of article 243-P of the Constitution of India;

(e) "Minister in charge of the District" means a Minister so

designated by Government to be the Minister in charge of the district;

(f) "Municipality" means a Municipality as defined in clause (c) of article 243-P of the Constitution of India;

(g) "Panchayat" means a Village Panchayat constituted under the Bombay Village Panchayats Act, 1958; and the Panchayat Samitis and Zilla Parishads constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

(h) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(i) "prescribed" means prescribed by rules under this Act;

(j) "rural area" means the area comprising all Panchayats in a district or within Metropolitan area, as the case may be;

(k) "Scheduled Castes" means such castes, races or tribes or parts of or groups with such castes, races, or tribes as are deemed to be Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution of India;

(l) "Scheduled Tribes" means such tribes or tribal communities or parts of or group within such tribes or tribal communities as are deemed to be the Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India;

(m) "Urban area" means the area comprising all Municipalities in a district or within Metropolitan area, as the case may be.

CHAPTER 2

Constitution and Functions of the District Planning Committee

3. Constitution of District Planning Committee :-

(1) There shall be a District Planning Committee for every district consisting of not less than twenty and not more than thirty members as may be fixed by the State Government to consolidate the plans prepared by the Panchayats and Municipalities in the district and to prepare a draft development plant for the district as a whole.

(2) Every District Planning Committee shall consist of the following members, namely:-

I. Ex-officio Members-

- (a) Minister in charge of the district;
- (b) Collector of the district;
- (c) Chief Executive Officer of the Zilla Parishad.

II. Nominated Members-

- (a) Members nominated by the State Government from amongst the Government Officers or local representatives or experts having knowledge relating to the functions of the District Planning Committee:

Provided that, the total number of ex-officio members and nominated members shall not exceed one-fifths of the total number of members of the District Planning Committee.

III. Elected Members-

- (a) There shall be not less than four-fifths of the total number of members in the District Planning Committee elected by, and from amongst the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district.

- (b) The members to be elected under clause (a) to the District Planning Committee shall be elected by multiple non-transferable votes from amongst the voters in the electoral college earmarked for the purpose.

- (c) The election of members shall be conducted in accordance with the system provided in clause (b) by such authority or officer and in such manner as may be prescribed.

- (3) The Minister in charge of the district shall be the Chairperson of the District Planning Committee and the Collector of the District shall be the Member-Secretary of the District Planning Committee.

- (4) The State Government may designate any one of the members as the Vice-Chairperson of the District Planning Committee

4. Reservation of Seats :-

- (1) In the seats to be filled by election in the District Planning Committee there shall be seats reserved for persons belonging to

the Scheduled Castes, the Scheduled Tribes, Backward Class of citizens and women as may be determined by the State Government in the prescribed manner.

(2) The seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the District Planning Committee shall bear as nearly as may be, the same proportion to the total number of members to be elected from urban or rural areas to the District Planning Committee, as the population of the Scheduled Castes, or, as the case may be, the Scheduled Tribes in the urban areas or rural areas bears to the total population of that urban or rural areas:

Provided that, one third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes, or, as the case may be, the Scheduled Tribes:

Provided further that where the number of seats reserved under subsection

(3) The seats to be reserved for persons belonging to the category of Backward Class of citizens shall be twenty-seven per cent of the total number of seats to be filled by election in the District Planning Committee:

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens.

(4) One-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes, and Backward Class of citizens) of the total number of seats to be filled by election for the urban area or rural area in a District Planning Committee shall be reserved for women.

5. Term of office and filling of casual vacancies :-

(1) The term of office of the members nominated shall be such as may be specified by the State Government while nominating them on the District Planning Committee.

(2) The term of office of the elected members on the District Planning Committee shall be co-terminus' with their tenure in the respective local authority.

(3) Any nominated or elected members may resign his office by

writing under his hand addressed to the State Government. The resignation shall be effective from the date of its receipt by the State Government.

(4) Any casual vacancy arising out of such resignation or for any other reason such as death or disablement of a member shall be filled by nomination or election, as the case may be:

Provided that the member so nominated or elected shall hold office only for the remainder of the term for which the member in whose place he is nominated or elected, would have held office.

6. Removal of Members :-

(1) The State Government may remove from the office a member of the District Planning Committee.-

(a) if he has any pecuniary interest in the schemes, or work included in the plans or programmes prepared by the Municipal Corporations, Zilla Parishads, Municipal Councils or Nagar Panchayats in the district:

(b) if he is convicted for an offence punishable under the provisions of any law for the time being in force; or

(c) if he, upon the trial of election petition, is found guilty of corrupt practices.

7. Procedure to be followed in discharge of functions :-

The procedure to be followed in discharge of the functions of the District Planning Committee shall be such as may be prescribed.

8. Proceedings presumed to be good and valid :-

No act or proceedings of the District Planning Committee shall be invalid by reason only of a vacancy therein, or any defect in election or nomination of any members, if such act or proceedings is otherwise in accordance with the provisions of this Act.

9. Allowances of Chair-person, Vice-Chair Person and member :-

The Chairperson, the Vice-Chairperson and other members of the District Planning Committee shall receive such allowances as may be fixed by the State Government, from time to time.

10. Functions of District Planning Committee :-

Functions of the District Planning Committee shall be as follows, namely:-

- (1) to scrutinise and co-ordinate the plans prepared by the Municipalities and Panchayats in the district and to prepare a draft development plan for the district as a whole.
- (2) to scrutinise modifications in the draft development plans prepared by Municipalities and Panchayats.
- (3) to recommend through the Chairperson the approved draft development plan to the State Government.
- (4) to ensure the compliance of the provisions of clause (3) of article 243-ZD of the Constitution of India.

CHAPTER 3

Constitution and Functions of the Metropolitan Planning Committee

11. . :-

(1) There shall be Metropolitan Planning Committee for every Metropolitan area consisting of not less than thirty and not more than forty- five members as may be fixed by the State Government to prepare a draft development plan for the Metropolitan area as a whole.

(2) Every Metropolitan Planning Committee shall consist of the following members namely:-

I. Ex-officio Members-

(a) Minister or Ministers in-charge of the district or districts, as the case may be, the area of which falls in the Metropolitan area;

(b) Collectors of the districts which area or part of which are included in the Metropolitan area;

(c) Municipal Commissioners of the Municipal Corporations, the area of which falls in the Metropolitan area;

(d) Chief Officers of the Municipal Councils the area of which falls in the Metropolitan area;

(e) Chief Executive Officer of the Zilla Parishads, the area of which falls in the Metropolitan area.

II. Nominated Members-

(a) An officer of the Central Government to be nominated by the State Government with the concurrence of the Central Government;

(b) a person working in any Department of the State Government or in any organisation or undertaking under the Central or the State Government to be nominated by the State Government;

(c) an expert having knowledge relating to the functions of the Metropolitan Planning Committee to be nominated by the State Government;

Provided that the total number of ex-officio and nominated members shall not exceed one-thirds of the total number of members of the Metropolitan Planning Committee.

III. Elected Members-

(a) There shall be not less than four-fifths of the total number of members in the Metropolitan Planning Committee elected by, and from amongst the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that areas;.

(b) The members to be elected under clause (a) to the Metropolitan Planning Committee shall be elected by multiple non-transferable votes from amongst the voters in the electoral college, earmarked for the purpose.

(c) The election of members shall be conducted in accordance with the system provided in clause (b) by such authority or officer and in such manner as may be prescribed.

(3) The Minister in charge of the district which is a part of the Metropolitan area shall be the ex officio Chairperson of the Metropolitan Planning Committee. In case there are more than one Ministers in-charge of the district in the Metropolitan area, the State Government shall nominate any one of the Minister in-charge of the district as the ex officio Chairperson. The Commissioner or the Chief Executive Officer of the largest Municipality shall be the Member-Secretary of the District Planning Committee.

(4) The State Government may designate any one of the members as the Vice-Chairperson of the Metropolitan Planning Committee

12. Reservation of Seats :-

(1) In the seats to be filled by election, there shall be seats reserved for persons belonging to the Scheduled Castes, the

Scheduled Tribes, Backward Class of citizens and women as may be determined by the State Government in the prescribed manner.

(2) The seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the District Planning Committee shall bear as nearly as may be, the same proportion to the total number of members to be elected from urban or rural areas to the Metropolitan Planning Committee, as the population of the Scheduled Castes, or, as the case may be, the Scheduled Tribes in the urban area or rural areas bears to the total population of that urban or rural areas:

Provided that, one third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes, or, as the case may be, the Scheduled Tribes:

Provided further that where the number of seats reserved under subsection (2) is only two, one of the two seats shall be reserved for women belonging to any such Castes or Tribes.

(3) The seats to be reserved for persons belonging to the category of Backward Class of citizens shall be twenty-seven per cent of the total number of seats to be filled by election in the Metropolitan Planning Committee:

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens.

(4) One-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes, and Backward Class of citizens) of the total number of seats to be filled by election for the urban area or rural area in a Metropolitan Planning Committee shall be reserved for women.

13. Term of office and filling of casual vacancies :-

(1) The term of office of the members nominated shall be such as may be specified by the State Government while nominating them on the Metropolitan Planning Committee.

(2) The term of office of the elected members on the Metropolitan Planning Committee shall be co-terminus' with their tenure in the respective local authority.

(3) Any nominated or elected members may resign his office by

writing under his hand addressed to the State Government. The resignation shall be effective from the date of its receipt by the State Government.

(4) Any casual vacancy arising out of such resignation or for any other reason such as death or disablement of a member shall be filled by nomination or election, as the case may be:

Provided that the member so nominated or elected shall hold office only for the remainder of the term for which the member in whose place he is nominated or elected, would have held office.

14. Removal of members :-

(1) The State Government may remove from the office a member of the Metropolitan Planning Committee.-

(a) if he has any pecuniary interest in the schemes, or work included in the plans or programmes prepared by the Municipalities and Panchayats in the Metropolitan area;

(b) if he is convicted for an offence punishable under the provisions of any law for the time being in force; or

(c) if he, upon the trial of election petition, is found guilty of corrupt practices.

15. Procedure to be followed in discharge of functions :-

The procedure to be followed in discharge of the functions of the Metropolitan Planning Committee shall be such as may be prescribed.

16. Proceedings presumed to be good and valid :-

No act or proceedings of the Metropolitan Planning Committee shall be invalid by reason only of a vacancy therein, or any defect in election or nomination of any members, if such act or proceedings is otherwise in accordance with the provisions of this Act.

17. Allowances of Chairperson, Vice-Chair Person and members :-

The Chairperson, the Vice-Chairperson and other members of the Metropolitan Planning Committee shall receive such allowances as may be fixed by the State Government, from time to time.

18. Functions of Metropolitan Committee Functions of the Metropolitan Planning Committee shall be as follows, namely :-

- (1) to prepare a draft development plan for the Metropolitan area;
- (2) to recommend through the Chairperson the approved draft development plan to the State Government.
- (3) to ensure the compliance of the provisions of clause (3) of article 243-ZE of the Constitution of India.

CHAPTER 4

Miscellaneous

19. Directives by State Government :-

The State Government may issue directives, from time to time, to the District Planning Committees and Metropolitan Planning Committees with regard to the guidelines on functioning of, or resolutions adopted by, the Committees, or any matter that the State Government deems fit for taking up with the Committees. On receipt of the directions, the Committees shall comply with such directions.

20. Power to make rules :-

(1) The power to make rules under this Act shall be exercised by the State Government by notification in the Official Gazette.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act generally to carry out the purposes of this Act.

(3) 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, 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 that rule.

21. power of remove difficulties :-

If any difficulty arises in giving effect to any of the provisions of

this Act, the State Government may, as occasion arises, by order, do anything, which appears to it to be necessary for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.