

**MAHARASHTRA METROPOLITAN PLANNING COMMITTEE
(CONSTITUTION AND FUNCTIONS) (CONTINUANCE OF
PROVISIONS) ACT, 1999**

5 of 2000

[7th January, 2000]

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SCHEDULE 1 :- SCHEDULE

**MAHARASHTRA METROPOLITAN PLANNING COMMITTEE
(CONSTITUTION AND FUNCTIONS) (CONTINUANCE OF
PROVISIONS) ACT, 1999**

5 of 2000

[7th January, 2000]

An Act to provide 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. WHEREAS, the Governor of Maharashtra had promulgated the Maharashtra Metropolitan Planning Committee (Constitution and Functions) Ordinance, 1999, on the 29th June, 1999 (hereinafter referred to as "the said Ordinance") AND WHEREAS upon the reassembly of the State Legislature on the 22nd October 1999, a Bill for converting the said Ordinance into an Act of the State Legislature could not be introduced in the Maharashtra Legislative Assembly for want of time as the session of the State Legislature was prorogued on the 23rd October 1999; AND WHEREAS as provided by Article 213(2) (a) of the Constitution of India, the said Ordinance would have ceased to operate after the 3rd December 1999, the date on which the period of six weeks from the date of the reassembly of the State Legislature would have expired; AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Ordinance by law; AND WHEREAS 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 to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing; and therefore, the said Ordinance was repealed by withdrawal and the Maharashtra Metropolitan Planning Committee (Constitution and Functions) Ordinance, 1999, was promulgated with retrospective effect that is, with effect from the 29th June 1999, on the 2nd December 1999; AND WHEREAS it is expedient to replace the Maharashtra Metropolitan Planning Committee (Constitution and Functions) (Continuance of Provisions) Ordinance, 1999 by an Act of the State Legislature; It is hereby enacted in the Fiftieth Year of the Republic of India as follows:-

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called as the Maharashtra Metropolitan Planning Committee (Constitution And Functions) (Continuance of Provisions) Act, 1999.

(2) It extends to the whole of the State of Maharashtra excluding the Scheduled Areas declared by the President of India, from time to time, in exercise of the powers conferred by paragraph 6 of the

Fifth Schedule to the Constitution of India.

(3) It shall be deemed to have come into force on the 29th June 1999.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "article" means the article of the Constitution of India;
- (b) "Development Plan" means the draft Development plan prepared by the Metropolitan Planning Committee under this Act, in consonance with the provisions of Article 243-ZE;
- (c) "Metropolitan area" means a Metropolitan area as specified by the Governor under clause (c) of Article 243P;
- (d) "Municipality" means a Municipality as defined in clause (e) of Article 243-P;
- (e) "Panchayat" means a Village Panchayat constituted at the village level under the Bombay Village Panchayats Act, 1958 and the Panchayat Samitis and Zilla Parishads constituted at the intermediate and the District level under the Maharashtra Zilla Parishad and Panchayat Samitis Act, 1961,
- (f) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (g) "prescribed" means prescribed by rules made under this Act.

CHAPTER 2

Constitution and functions of the Metropolitan Planning Committee

3. Constitution of Metropolitan Planning Committee :-

(1) There shall be constituted a Metropolitan Planning Committee for every Metropolitan area consisting of forty-five members as provided under sub-section (2) 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:-

1. Ex-officio members-

(a) Principal Secretary or Secretary to Government, Urban Development Department;

(b) Divisional Commissioner of the concerned Revenue Division;

2. Nominated Members

(a) a person nominated by the State Government as the Chairperson;

(b) six members nominated by the State Government from amongst the Municipal Commissioners, Chief Officers of the Municipal Councils, the Chief Executive Officers of the Special Planning Authorities or New Town Development Authorities constituted under the Maharashtra Regional and Town Planning Act 1966, and members of any other local authority operating in the Metropolitan area.

(c) two members nominated by the State Government from amongst the members of the Legislative Assembly and the Members of the Legislative Council, elected from the Metropolitan area; (d) Four members nominated by the State Government who have experience and expertise in urban development, urban infrastructure, finance, urban transport, environment, industry and trade and urban community development.

3. Elected Members-

(a) of the total number of members of the Metropolitan Planning Committee not less than two-thirds shall be 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 the area;

(b) members to be elected under clause (a) to the Metropolitan Planning Committee shall be single transferable vote 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 specified in clause (b) by such authority or officer and in such manner as may be prescribed;

(d) if the validity of any election of member of the Metropolitan Planning Committee is brought in question by any other member qualified to vote at the election to which such question refers, it may be decided by such authority within such period and after following such procedure as may be prescribed.

4. Special invitees The following shall be special permanent invitees at all the meetings of the Metropolitan Planning Committee and shall have a right to take part in the deliberations of the meetings of the committee,-

(a) five persons to be appointed by the State Government from amongst the members of Parliament and the Members of the Maharashtra State Legislature, elected from, or ordinarily resident of, the Metropolitan area;

(b) Chief Executive Officers of the Maharashtra Jeevan Pradhikaran, Maharashtra Industrial Development Corporation, Maharashtra Housing and Area Development Authority, Maharashtra Pollution Control Board, Maharashtra State Electricity Board, Maharashtra State Road Transport Corporation;

(c) Director of Town Planning or the Deputy Director of Town Planning of the respective region;

(d) representatives of Government of India organizations such as Railways, Telephones or Port Trusts, as the case may be.

(3) An officer of the rank not below the rank of Deputy Secretary to Government to be nominated by the State Government as the Secretary of the Metropolitan Planning Committee.

(4) In the absence of the Chairperson at any meeting of the Metropolitan Planning Committee, the members may elect the Chairperson from amongst themselves to preside over the meeting.

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

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

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

(3) Any nominated or elected member 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 Government.

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

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

5. Removal of members :-

The State Government may, by notification in the Official Gazette, remove from office a member of the Metropolitan Planning Committee-

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

(b) if he is convicted for an offence involving moral turpitude 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 or corrupt practices.

6. Procedure to be followed in discharge of function :-

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

7. Proceedings presumed to be good and valid :-

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

8. Allowances of Chairperson and members :-

The 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.

9. Function of Metropolitan Planning Committee :-

Functions of the Metropolitan Planning Committee shall as follows:-

(a) to prepare a draft Development plan for the Metropolitan area having regard to the plans prepared by the Municipalities and Panchayats in the Metropolitan area;

(b) to ensure the compliance of the provisions of clause (3) of Article 243-ZE;

(c) to recommend through the Chairperson of Metropolitan Planning

Committee the approved draft Development plan to the State Government.

CHAPTER 3

Miscellaneous

10. Directives by State Government :-

The State Government may issue directives, from time to time, to the Metropolitan Planning Committee with regard to the functioning of the said Committee, or any matter that the State Government deems fit for taking up with the Committee. On receipt of the directions, the Committee shall comply with them.

11. Power to formulate guidelines :-

The Metropolitan Planning Committee shall have powers to re-formulate guidelines for preparation of draft Plan, which will be followed by the Municipalities and Panchayats while formulating their own plans.

12. Power to make rules :-

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

(2) 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 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, 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.

13. Amendment of certain enactments :-

On and from the commencement of this Act, the enactments mentioned in the Schedule appended to this Act, shall stand amended, to the extent and in the manner mentioned therein.

14. Power to 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, not inconsistent with the provisions of this Act, 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.

15. Repeal of Mah. Ord. XXVI of 1999 and saving :-

(1) The Maharashtra Metropolitan Planning Committee (Constitution and Functions) (Continuance of Provisions) Ordinance, 11 of 1999, is hereby repealed;

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

SCHEDULE 1

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(See section 13)

1. The Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966).

In section 4 of the said Act, after sub-section (1), the following subsection shall be inserted, namely:-

"(1A) Notwithstanding anything contained in sub-section (7), the provisions of that sub-section shall not be applicable to the Metropolitan area as defined in, clause (c) of section 2 of the Maharashtra Metropolitan Planning Committee (Constitution and Functions) Act, 1999."

2. The Mumbai Metropolitan region development authority Act, 1974 (Mah. IV of 1975).

(a) In section 2 of the said Act, to clause (1), the following proviso shall be added, namely:-

"Provided that, the Regional plan shall also mean the Development Plan prepared by the Metropolitan Planning Committee under the provisions of the Maharashtra Metropolitan Planning Committee (Constitution and Functions) Act, 1999;"

(b) In section 12 of the said Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the Authority shall assist the Metropolitan Planning

Committee, constituted under the Maharashtra Metropolitan Planning Committee (Constitution and/ Functions) Act, 1939, in preparation of the Development Plan under that Act."