

Uttar Pradesh District Planning Committee Act, 1999**32 of 1999**

CONTENTS

1. Short Title And Commencement
2. Definitions
3. Constitution Of District Planning Committee
4. Composition Of District Planning Committee
5. Vacancies Etc. Not To Invalidate Proceedings Of The Committee
6. Permanent Invitees To The Committee
7. Secretary Of The Committee
8. Election Of Members Of The Committee
9. Functions Of The Committee
10. Scope Of The District Plan
11. District Plan Ceiling
12. Finalisation Of The District Plan
13. Allocation Of Money To Districts
14. Resolution Of Dispute
15. Meetings Of The Committee
16. Sub-Committees
17. Power Of The State Government To Assign Functions To The Committee
18. Protection Of Action Taken In Good Faith
19. Power To Make Rules
20. Committee To Regulate Its Procedure
21. Power To Remove Difficulties
22. Overriding Effect
23. Repeal And Savings

Uttar Pradesh District Planning Committee Act, 1999**32 of 1999**

An Act to provide for the constitution of District Planning Committee at the district level for consolidation of plans prepared by the Panchayats and the Municipalities in the district and preparation of draft development plan for the district as a whole and for matters connected therewith or incidental thereto. It is hereby enacted in the Fiftieth Year of the Republic of India as follows :-- 1. Received the assent of the Governor on July 29, 1999 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 29th July, 1999, pp. 1-6

1. Short Title And Commencement :-

(1) This Act may be called the Uttar Pradesh District Planning Committee Act, 1999.

(2) It shall be deemed to have come into force on May 19, 1999.

2. Definitions :-

In this Act,--

(a) "Assembly rolls" means the electoral rolls of any constituency of the Legislative Assembly prepared under and according to the provisions of the Representation of the People Act, 1950;

(b) "Committee" means the District Planning Committee constituted under Section 3;

(c) "District level officer" means such officer of the district as the State Government may, by notification, specify;

(d) "Kshettra Panchayat" means a Kshettra Panchayat established under Section 5 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961;

(e) "Minister" means a member of the Council of Ministers of the Government of Uttar Pradesh and includes a Minister of State and a Deputy Minister;

(f) "Municipality" means a Municipal Corporation, a Municipal Council or a Nagar Panchayat constituted under the Uttar Pradesh Municipalities Act, 1916 or the Uttar Pradesh Municipal Corporation Act, 1959, as the case may be;

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

(h) "rural area" means an area other than urban area;

(i) "urban area" means the territorial area of a Municipal Corporation, Municipal Council or Nagar Panchayat, as the case may be;

(j) "Zila Panchayat" means a Zila Panchayat established under Section 17 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961.

3. Constitution Of District Planning Committee :-

(1) There shall be constituted in every district a District Planning Committee, to consolidate the plans prepared by the Panchayats and Municipalities in the district and to prepare a draft development plan for the district as a whole.

- (2) The Committee shall in preparing the draft development plan:--
- (a) have regard to :--
 - (i) matters of common interest between the Panchayats and Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
 - (ii) the extent and type of available resources whether financial or otherwise;
 - (b) consult such institutions and organisations as the Governor may, by order, specify.

4. Composition Of District Planning Committee :-

(1) Every Committee shall consist of such number of members as may be prescribed :

Provided that the number of members shall not be less than twenty and not more than forty:

(2) Four-fifths of the total number of members of the Committee shall be elected in the prescribed manner by, and from amongst, the elected members of the Zila Panchayat 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.

(3) Where the urban area of the district comprises more than one Municipality, the number of members of the Committee from amongst the elected members of such Municipalities shall be distributed amongst such Municipalities in such manner as may be prescribed.

(4) The remaining one-fifth members of the Committee shall be,--

- (a) a Minister nominated by the State Government, who shall be the Chairperson of the Committee;

- (b) the Adhyaksha of the Zila Panchayat;

- (c) The Nagar Pramukh or President, as the case may be, of the Municipality, which situate at the Headquarter of the district;

- (d) District Magistrate ex officio;

- (e) such other members as may be nominated by the State Government subject to the condition that the number of members under this sub-section shall not exceed one-fifth of the total members of the Committee.

(5) A member nominated under clause (e) of Section (4) shall hold office during the pleasure of the Governor.

(6) No member of the Committee shall nominate any person as his representative to attend a meeting of the Committee on his behalf.

(7) An elected member of the Committee shall cease to be member thereof if he ceases to be a member of the Municipality or Zila Panchayat, as the case may be.

(8) If the office of an elected member of the Committee falls vacant owing to his death, resignation or otherwise, the vacancy shall be filled for the residue of his term in the manner provided under subsection (2).

5. Vacancies Etc. Not To Invalidate Proceedings Of The Committee :-

No Act or proceeding of the Committee shall be invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Committee.

6. Permanent Invitees To The Committee :-

(1) Members of the House of the People and members of the Legislative Assembly of the State representing constituencies which are comprised wholly or partly in the district shall be permanent invitees to the meeting of the Committee.

(2) Members of Legislative Council of the State representing graduate or teachers or local bodies constituencies which are comprised wholly or partly in the district shall also be permanent invitees to the meetings of the Committee.

(3) Members of the Legislative Council of the State elected by the member of Legislative Assembly of the State or nominated by the Governor shall also be permanent invitees to the meetings of the Committee of a district of their choice.

(4) Members of Council of States representing the State shall also be permanent invitees. to the meetings of the Committee of a district of their choice.

(5) No permanent invitee shall nominate a person as his representative to attend a meeting of the Committee on his behalf: Provided that where a permanent invitee, who is not a member of the Council of Ministers of the Government of India or the Government of Uttar Pradesh, has been required to attend such meeting in two or more district on the same day, he may nominate a person as his representative to attend the meeting of the Committee of a district in which he is not in a position to attend such meeting:

Provided further that where a permanent invitee, who is a member of the Council of Ministers of the Government of India or the

Government of Uttar Pradesh, has been required to attend such meeting, he may nominate a person as his representative to attend the meeting of the Committee if he is not in a position to attend such meeting.

7. Secretary Of The Committee :-

(1) The Chief Development Officer of the district shall be the ex-officio Secretary of the Committee and shall be responsible for maintaining records of the Committee, preparing minutes of meetings of the Committee, and communication of decisions and all other incidental or ancillary matters and shall make available to the Committee such assistance as may be necessary for the discharge of its functions.

Explanation.--For the purposes of this sub-section, the expression "Chief Development Officer" includes Chief Executive Officer.

(2) The Economic and Statistics Officer of the district shall be the ex-officio Joint Secretary of the Committee to assist the Committee in such manner as may be directed by the Committee.

8. Election Of Members Of The Committee :-

The State Election Commission shall have superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, elections of the members of the Committee in such manner as may be prescribed.

9. Functions Of The Committee :-

The Committee shall perform the following functions, namely:--

- (a) to identify local needs and objectives within the framework of national and State plan objectives;
- (b) to collect, compile and update information relating to natural and human resources of the district to create a sound data base for decentralised planning and preparation of district and block resources profiles;
- (c) to list and map amenities at village, block and district levels;
- (d) to determine policies, programmes and priorities for development of the district, in order to ensure maximum and judicious utilisation and exploitation of available natural and human resources;
- (c) to modify or amend and consolidate the draft Five Year or Annual Development Plan prepared for the rural and urban areas;

keeping in view the overall plan objectives and strategies;

- (f) to submit development plan to the State Government in such manner as may be prescribed;
- (g) to prepare employment plan for the district;
- (h) to prepare estimate of financial resources for financing the district plan;
- (i) to allocate sectoral and sub-sectoral outlays within the overall framework of the district development plan;
- (j) to monitor, evaluate and review progress under the schemes and programmes being implemented in the district under the decentralised planning framework including central sector and centrally-sponsored schemes, and the Local Area Development Schemes of Parliamentary Constituencies and Assembly Constituencies;
- (k) to submit regular progress reports to the State Government in respect of schemes included in the district plans;
- (l) to identify schemes and programmes which require institutional finance, device appropriate forward and backward linkages with the plans and ensure requisite flow of such investment;
- (m) to ensure participation of voluntary organisations in the overall development process;
- (n) to make suggestions and recommendations to the State Government with regard to the State sector schemes having significant bearing on the process of development of the district to finalise site selection for different works and schemes;
- (o) any other functions which may be entrusted by the State Government.

10. Scope Of The District Plan :-

(1) The District Plan shall include subjects enumerated in the United Provinces Panchayat Raj Act, 1947, and the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 for the rural areas, or the Uttar Pradesh Municipalities Act, 1916 or the Uttar Pradesh Municipal Corporation Act, 1959 for urban areas, as the case may be.

(2) The district plan may also include such other matters as may be considered necessary by the Committee or as the State Government may, by order, direct.

11. District Plan Ceiling :-

(1) The State Government shall enquire into and estimate the

financial resources for financing the District Plan and shall decide the district plan outlay ceiling accordingly.

(2) The District Plan outlay ceiling fixed under sub-section (1) may be revised or altered at any time during the financial year by the State Government.

12. Finalisation Of The District Plan :-

The Committee shall finalise the draft development plan for the district.

13. Allocation Of Money To Districts :-

(1) For the purposes of the implementation of district plan, the State Government may, subject to District Plan outlay ceiling makes district-wise provisions for money in its annual financial statement and after due appropriation thereof shall allocate in lump-sum to the district.

(2) Subject to the supervision and control of the State Government, the District Magistrate shall have power to accord financial sanctions for the District Plan finalised under Section 12.

(3) Subject to the District Plan outlay ceiling fixed by the State Government, the Committee may after, revised or modified outlay of the schemes and programmes of the District Plan and the District Magistrate may reallocate the money in the manner prescribed.

14. Resolution Of Dispute :-

If any dispute or question arises in relation to function, powers or jurisdiction of the committee or in relation to any other matter, the dispute or question shall be referred to the State Planning Commission whose decision thereon shall be final.

15. Meetings Of The Committee :-

(1) The meeting of the Committee shall be held at least once in every quarter at the district Headquarter on such date and time as may be fixed by the Chairperson.

(2) The Committee may invite experts to attend its meeting on such terms and conditions as may be prescribed.

(3) In the absence of the Chairperson, such other member of the Committee as may be chosen by the members of the Committee present in the meetings, shall preside over the meeting of the Committee.

16. Sub-Committees :-

The Committee may constitute sub-committees to discharge any of its functions under this Act.

17. Power Of The State Government To Assign Functions To The Committee :-

The State Government may, by order, assign to the Committee such functions relating to the district planning, co-ordination and monitoring covering the activities of different departments of the State Government as may be deemed necessary.

18. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done, in pursuance of this Act or the rules made thereunder.

19. Power To Make Rules :-

The State Government may by notification, make rules for carrying out the purpose of this Act.

20. Committee To Regulate Its Procedure :-

Subject to any rule made by the State Government, the Committee shall regulate its own procedure.

21. Power To Remove Difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notified order, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiry of the period of two years from the date, of the commencement of this Act.

(3) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before both Houses of the State Legislature and the provisions of sub-section (1) of Section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

22. Overriding Effect :-

Notwithstanding anything contained to the contrary in any other law for the time being in force the provisions of this Act shall apply in all matters including constitution of the Committee and election of members thereof, formulation of plan and other matters incidental or consequential thereto.

23. Repeal And Savings :-

- (1) The Uttar Pradesh District Planning Committee Ordinance, 1999 (U.P. Ordinance No. 9 of 1999) is hereby repealed,
- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act as if the provisions of this Act were in force at all material times.