

Arunachal Pradesh District Planning Committees (Constitution, Powers and Functions) Act, 2011

ARUNACHAL PRADESH

India

Arunachal Pradesh District Planning Committees (Constitution, Powers and Functions) Act, 2011

Act 5 of 2011

- Published on 1 June 2011
- Commenced on 1 June 2011
- [This is the version of this document from 1 June 2011.]
- [Note: The original publication document is not available and this content could not be verified.]

Arunachal Pradesh District Planning Committees (Constitution, Powers and Functions) Act, 2011(Act No. 5 of 2011)Last Updated 18th February, 2020(Received the assent of the Governor on 1st June, 2011 and Published in the Arunachal Pradesh E.O. Gazette No. 116, Vol-XVIII, dated 21st June, 2011).An Act to provide for the constitution of District Planning Committee at the district level, to consolidate the plan prepared by the Panchayats and the Municipalities in the District and to prepare five year prospective plan I draft development plan for the District as a whole.Be it enacted by the Legislative Assembly of the State of Arunachal Pradesh in the Sixty-second Year of the Republic of India as follows: -Chapter - I

1. Short title, Extent & Commencement.

(1)This Act may be called the Arunachal Pradesh District Planning Committees (Constitution, Powers and Functions) Act, 2011.(2)It shall extend to the whole of the State of Arunachal Pradesh or part thereof as may be notified by the State Government.(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

(1)In this Act, unless there is anything repugnant in the subject or context otherwise requires,-(a)"Committee" means the District Planning Committee constituted under section 3 ;(b)"Government" means the Government of Arunachal Pradesh;(c)"member" means member of the Committee and includes the Chairperson thereof;(d)"Municipality" means a Nagar Panchayat or a Municipal Council or a Municipal Corporation constituted under the Arunachal Pradesh Municipal Act, 2007 (Act No. 4 of 2008);(e)"Panchayat" means a Gram Sabha, Gram Panchayat, Anchal Samity and Ziila Panshad constituted under the Arunachal Pradesh Panchayat Raj Act, 1997 (Act No

5 of 2001);(f)"Prescribed" means as prescribed by rules ;(g)"rules" means rules made by the Government under this Act;(h)"Zilla Parishad" means a Zilla Parishad constituted under the Arunachal Pradesh Panchayat Raj Act, 1997 (Act No, 5 of 2001).Chapter - II Constitution, Powers and Function of District Planning Committee

3. Constitution of a District Planning Committee.

(1)There shall be constituted at the level of every district 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.(2)The District Planning Committee of a district shall consist of such number of members as may be specified against that district in the Schedule.(3)As nearly as but not less than, eighty per cent of the members shall be elected in the prescribed manner by, and from amongst, the elected members of the Zilla Parishad and Anchal Samities, and Councilors 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, and remaining twenty per cent of the members shall be as follows(a)Deputy Commissioner of the district who shall be the Chairperson;(b)the Additional Deputy Commissioner headquarter cum District Panchayat Development Officer of the district, who shall be the Member-Secretary; and(c)five ex-officio members to be appointed by the Government as under:(i)District Economic and Statistical Officer.(ii)Project Director, DRDA.(iii)Town Planner.(iv)District Planning Officer.(v)Bank Officer.Provided that no person shall be qualified for nomination as a member under this clause, if he/she-(i)is at the time of nomination, of unsound mind or a deaf-mute; or(ii)is bankrupt or insolvent; or(iii)has been convicted earlier of an offence involving moral turpitude.(4)Notwithstanding anything contained in this section-(1)the members of Parliament, the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly any area of the district, Executive Engineer, PHE, Divisional Forest Officer, Executive Engineer, PWD, Deputy Director, Urban Development, District Horticulture Officer, District Agriculture Officer, District Health Officer, Deputy Director of School Education, Executive Engineer, Power, Executive Engineer, Water Resource, DLRSO, Executive Engineer, RWD shall be invited to attend the meetings of the Committee as permanent invitees; and(2)the Chairperson of the Committee shall have the powers to invite any person including an expert to attend any meeting of the Committee;Provided that the members of Parliament and the Legislative Assembly of the State referred to in clause (1) and any person invited under clause (2) shall not have the right to vote in the meetings of the Committee, but the views expressed by them shall be recorded in the proceedings of the meeting.Explanation. - For the purposes of this section-(a)"rural areas" means the territorial areas of Panchayats; and(b)"urban areas" means the territorial areas of Municipalities, Nagar Panchayat and notified towns,(3)In absence of the Chairperson, any member chosen by the members present from amongst themselves, shall preside over the meeting of the Committee.(4)The quorum for the meetings of the Committee shall be one-third of total number of members thereof.

4. Term of office of elected members.

- The term of office of an elected member shall be five years commencing on the date of his election unless removed earlier; Provided that the term of office of every elected member shall be coterminous with his membership in the Zilla Parishad or, as the case may be, the Municipality.

5. Powers and functions of the committee.

(1) The Committee shall, formulate the development goals, objectives, policies and priorities in matters relating to planning, development and use of rural and urban land in the district having due regard to social justice. (2) In particular and without prejudice to the generality of the foregoing provisions the district planning committee shall consolidate the plans prepared by the Pachayats and Municipalities and shall prepare an integrated draft development plan for the district as a whole and with the assistance of the Urban and Regional Planning (Town Planner) Member shall (a) prepare a district development plan within two years from the date of constitution of the District Planning Committee for the district taking into account the State perspective plan, if any, and various plans of urban and rural areas and shall indicate long term, policies, strategies and priorities for spatio-economic development pertaining to: (i) rural development including physical and natural resource utilization, poverty alleviation, employment generation in both the formal and informal sectors and integrated economic and social infrastructure development; (ii) conservation of environment, forests, ecologically sensitive areas and heritage zones; (iii) development of trade, commerce and industries; (iv) District level transportation system; (v) integrated, infrastructure development covering water, energy, sanitation, education, health, recreation, communication and other utilities, facilities and service; (vi) housing and shelter development; (vii) population assignment and settlement pattern including rural service centers and small, medium and large urban centers with their functional specialization; (viii) generalized land use pattern; (ix) development of special areas, if any, such as economically backward areas; (x) mobilize the extent and type of available resources whether Financial or otherwise; (xi) phasing of district perspective plan in periods of five years preferably co-terminus with the State Five Year Plan; and (xii) any other particulars and details as may be considered necessary by the District Planning Committee or as may be directed by the Government. (b) formulate annual plan of the District Development plan having regard to: (i) finding of the review of fiscal and physical performance of the previous year; (ii) annual plan proposal of the rural panchayat and the urban area; and (iii) sector-wise programmes and projects for rural and urban areas including fiscal requirement and physical targets to be achieved during the year. (c) consult such institutions and organizations as Chamber of Commerce and Industry; non-Government Organization including professional bodies as Institute of Town Planner of India in formulation of district level Plans as Government may, by order, specify in that behalf; (d) resolve conflicts on: (i) issues regarding development of peripheral areas of urban centers; (ii) sharing of water and other physical and natural resources among various rural and urban areas; (iii) sites for disposal of sewage and solid waste; and (iv) overlapping functions; (e) monitor the physical achievements of the investments made by the various Planning and Development agencies and Panchayat within the district on annual basis and submission of report thereon to the State urban and country Planning Board and Government; (f) advise the municipal bodies and panchayat on upgradation of their status and alteration of boundaries

;(g)formulate policies and identify projects for integrated development of district level infrastructure and facilitate their implementation through an agency in public or private sector including non-Governmental and community based organization etc;(h)serve as a nodal agency for disbursement of such funds, as may be determined by the Government, to the panchayat, and Planning and Development Authorities in the district;(i)formulate various guidelines, manuals, norms and standards for promotion of planning and development; and(j)perform any other incidental, supplemental or consequential function or as prescribed or as may be directed by the Government or as may be necessary and required for the purposes of carrying out its functions under this Act.(3)The Chairperson of every Committee shall forward the development plan to the Government and the State Urban and Country Planning Board with the recommendation of the Committee.(4)The Committee shall, for the purpose of discharging its functions entrusted under this section, shall have the powers to call for any information from any Panchayat or Municipality in the district and shall also have the power to enter into such Panchayats and Municipalities and inspect the functioning thereof.(5)The Committee shall have the power to review implementation by the Municipalities and to make such recommendation as deemed appropriate.

6. Staff of the District Planning Committee.

(1)Subject to such control and restrictions as may be prescribed, the State Government may appoint in Committee, number of officers' and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grades.(2)The Chief Administrative Officer and other members, officers of the district planning committee shall be entitled to receive from the funds of the District Planning Committee such TA ID A and such other allowances as may be determined by rules and regulations made in this behalf.

7. Term of office and condition of service of members of the District Planning Committee.

(1)The office of the Chairperson and every other member shall be honorary;Provided that they may be paid such TA/DA and other allowances as the State Government may, by rules and regulation determine from time to time.(2)The members shall be paid such sitting fee for every meeting they attend and such travelling, daily allowances as the State Government may, by rules, determine.

8. Duties and functions of Urban and Regional Planning (Town Planner) Members of the DPC.

(1)The duty of the Urban and Regional Planning member (Town Planner) (hereinafter referred to as the District Regional Planning Members) shall be to assist the District Planning Committee in the preparation of development plan and annual plan of the District Planning Committee under section 5 (2) and perform all other such functions as may be incidental, supplemental or consequential thereto or as may be delegated to him by the District Planning Committee.(2)The Urban and Regional Planning (Town Planner) member shall be provided with such establishment by the district planning committee as may be considered necessary and expedient for efficient performance

of his functions under this Act.

9. Preparation and approval of district development plan.

(1)The District Planning Committee shall prepare a development plan for a period of five year preferably coterminous with the State Five Year Plan, and a report thereon and shall publish the same by a notice in at least one local newspaper indicating the place or places where the district development plan shall be available for inspection by the public inviting objections and suggestions in writing from any person in respect of the said plan within a period of thirty days from the date of publication of the aforesaid notice.(2)The District Planning Committee shall appoint a Hearing Committee consisting of not more than five of its members including the District Urban and Regional Planning Member who will give hearing to all such persons who have made a request, in writing for being so heard and submit their report to the District Planning Committee.(3)The District Planning Committee shall within thirty days from the date of receipt of the report of the Hearing Committee under sub- section (2) resolve to give effect to such modifications, as may be considered necessary and thereafter the District Development Plan would be submitted to the Government with a copy to the Urban and Country Planning Board.(4)The Government shall, within sixty days of the receipt of the district development plan under sub- section (3), approves the same with or without modifications.(5)As soon as may be, but not later than thirty days after the District Development Plan has been approved by the State Government, the District Planning Committee shall publish a notification in Official Gazette and at least in two local newspapers, one of which must be in English, of the approval of District Development Plan. The notice shall also state the name of the place or places where a copy of the District Development Plan may be inspected at all reasonable hours and also those copies thereof or extracts therefrom certified to be correct shall be available for sale to the public at reasonable price.(6)The District Development Plan shall come into operation from the date of publication of the notification in the Official Gazette published in terms of sub- section (5).(7)Simultaneously with the publication of notification in the Official Gazette under sub- section (5) the District Planning Committee shall forward a copy thereof to each of the concerned authority, Planning and Development authorities, municipality, panchayat at the District level and also publish the salient features of such approved plan in atleast two newspapers circulating in the district of which one must be in English language for information of the public specifying the place or places where a full copy of such plan may be inspectedProvided that in case the District Development Plan has been approved by the State Government with modifications, the District Planning Committee shall incorporate the necessary modifications before forwarding it to above bodies and publication in the Official Gazette or newspapers.(8)On receipt of the copy of the approved district development plan each concerned Planning and Development Authority and panchayat at the district level shall take steps to obtain such sums of money as allocated to it under Centre or State sector and proceed to execute the concerned projects through the process of formulation of annual plan and schemes/ projects within the respective approved development plan.

10. Review and revision of the district development plan.

- Immediately after the expiry of three years from the date of approval of the district development plan under sub- section (5) of section 9, but not later than six months, the District Planning

Committee shall with the assistance of District Urban and Regional Planning Member, review such plan and prepare a fresh district development plan for five years commencing from the date of expiry of such plan in force after incorporating such modifications and amendments as may be considered necessary and submit it for approval as laid down in section 9.

11. Modifications to district development plan.

(1)Notwithstanding anything contained in section 9, the development plan of a district may be modified at any time and for this purpose the District Planning Committee shall publish a draft of the proposed modification by a notice in atleast one local newspapers inviting objections and suggestions from the public within thirty days from the date of aforesaid publication of the notice and after giving an opportunity of hearing to such persons who have made a request of being heard and after considering such objections and suggestions, finalize the modifications and submit the modifications to the State Government.(2)The State Government may approve the modifications with or without variations or refuse to approve the modification by a notification in the Official Gazette and in at least one local newspaper.Provided that no such modifications shall, as proposed be approved by the State Government, unless they are in public interest and are notified to the public.Chapter - III Miscellaneous

12. Filling up of casual vacancies.

- Any casual vacancy in the committee as constituted under section 3, due to death, resignation, removal or otherwise, of a member, the same shall be filled up by fresh election or, as the case may be, nomination in accordance with the provisions of this Act, and the person so elected or nominated, as the case may be, shall hold office for the unexpired period of the term of the member in whose place he is so elected or nominated.

13. Resignation by members.

- Any member other than an Ex-officio member, may resign his office by writing under his hand addressed to the State Government and shall be deemed to have vacated his office with effect from the date his resignation is accepted by the State Government.

14. Removal of members.

- The State Government may, by notification, remove from office a member of the Committee, if he-(i)is found to have any pecuniary interest in the schemes or works included in the plans or programmes prepared by any of the Municipalities or by the Zilla Parishad; or(ii)is convicted of an offence involving moral turpitude; or(iii)is found to be guilty of corrupt practice upon the trial in an election petition.

15. Issue of guidelines.

- The State Government may, with a view to ensuring the proper functioning of the Committee, issue from time to time such administrative orders, directions and instructions not inconsistent with the provisions of this Act and rules, as they deem fit for the purposes of this Act and in particular in relation to the preparation of appropriate plans.

16. Meeting of the District Planning Committee.

- The District Planning Committee shall meet as and when necessary and at least twice in a year at such time and place as the Chairperson may determine, in this behalf and shall observed such procedure as may be prescribed in regard to the transaction of its business at such meetings.

17. Vacancies etc. not to invalidate proceedings of the Committee.

- No act or proceeding of the Committee shall be invalid on the ground merely of the existence of any vacancy or defect in the Constitution of the Committee

18. Power to make rules and regulations.

(1)The State Government may, by notification, make rules and regulations for carrying out the provisions of this Act.(2)in particular and without prejudice to the generality of the foregoing power, such rules and regulations may provide for all or any of the following matters, namely(a)manner of constitution of Committees and the election of members thereto under section 3 ;(b)provision relating to honorarium, sitting fee and travelling and daily allowances payable to the members under section 7 ;(c)procedure relating to convening of the meetings of the Committee and the transaction of the business ;(d)any other matter which has to be, or may be, prescribed.

19. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or the rules and regulations made thereunder which appears to them necessary for the purpose of removing the doubt or difficulty.Provided that no order shall be issued under this section after the expiry of a period of Three years from the date of commencement of this Act.

Schedule

(See Sub-section (2) of Section 3)Composition of District Planning Committees In The State

SI. No.	District	Elected Members	Ex Officio Nominated Members	Total
------------	----------	--------------------	------------------------------------	-------

		From Zilla Parishad/	From Municipality all Chief Councillor	Total 3+4	Chair-person Anchal Samiti Ex-Officio members	Chair-person Ward Committee Ex-Officio members.	Govt officers	
1	2	3	4	5	6	7	8	9
1.	Tawang	6	*	6 +*	6	*	#	
2.	West Kameng	9	*	9 +*	9	*	#	
3.	East Kameng	14	*	14 +*	14	*	#	
4.	Papum Pare	10	*	10 +*	10	*	#	
5.	Lower Subansiri	14	*	14+*	14	*	#	
6.	Upper Subansiri	14	*	14+*	14	*	#	
7.	Kurung Kumey	13	*	13+*	13	*	#	
8.	West Siang	20	*	20+*	20	*	#	
9.	Upper Siang	4	*	4+*	4	*	#	
10.	East Siang	3	*	3+*	3	*	#	
11.	Upper Dibang Valley	3	*	3+*	3	*	#	
12.	Dibang Valley	6	*	6+*	6	*	#	
13.	Lohit	8	*	8+*	8	*	#	
14.	Anjaw	4	*	4+*	4	*	#	
15.	Changlang	7	*	7+*	7	*	#	
16.	Tirap	16	*	16+*	16	*	#	

* Note. 1. There shall be only one Chief Councillor in one Municipality. The number of Chief Councillor and Chairperson of Ward Committee of a district shall be available only after constitution of Municipality. # (i) District Economic & Statistical Officer (ii) Project Director, DRDA (iii) Town Planner (iv) District Planning Officer (v) Bank Officer.