

The Maharashtra District Planning Committees (Constitution and Functions) Act, 1998

MAHARASHTRA

India

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Act 24 of 1998

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The Maharashtra District Planning Committees (Constitution and Functions) Act, 1998 Maharashtra Act No. 24 of 1998 For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1998, Part 5, Page 520. [This Act received the assent of the Governor on the 7th October 1998; assent was first published in the Maharashtra Government Gazette, on the 9th October 1998.] An Act 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 to provide for matters connected therewith or incidental thereto. Whereas, it is expedient to enact a law 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 to provide for matters connected therewith or incidental thereto; It is hereby enacted in the Forty-ninth Year of the Republic of India as follows:-

Chapter I Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Maharashtra District Planning Committees (Constitution and Functions) Act, 1998. (2) It extends to 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 come into force on such date as the State Government may, by notification in the Official Gazette, appoint, (w.e.f. 15-3-1999).

2. Definitions.

- In this Act, unless the context otherwise requires - (a) "Backward Class of citizens" means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes, Vimukta Jatis, Nomadic Tribes and Special Backward Class; [(a-i) "Constituency" means a constituency for election to a District Planning Committee and shall consist of the rural area constituency, transitional area constituency, smaller urban area constituency and the larger urban area constituency, comprising the area of Zilla Parishad, Nagar Panchayats, Municipal Councils and Municipal Corporations, respectively in the respective District;] [Clause (a-i) was inserted by Maharashtra 30 of 2000 Section 2(a) (w.e.f. 5-5-2000).] (b) "Constitution" means the Constitution of India; (c) "development plan" means socio-economic development plan for primary, secondary and tertiary sectors of economy as outlined in the Five Year Plan and the Annual Plan of the country in general and State in particular; (d) "District" means a district as defined in clause (v) of article 243-P of the Constitution; (e) "Minister-in-charge of the district" means a Minister designated by the State Government to be the Minister-in-charge of the district; (f) "Municipality" means a municipality as defined in clause (e) of article 243-P of the Constitution; (g) ["Panchayat" means a Panchayat at District level (Zilla Parishad) constituted under section 9 of the Maharashtra Zilla Parishad and Panchayat Samitis Act, 1961;] [[Clause (g) was substituted by Maharashtra 30 of 2000, Section 2(b) (w.e.f. 5-5-2000). Substituted clause (g) reads as follows- (g) 'Panchayat' means a village panchayat constituted under the Bombay Village Panchayat Act, 1958 and the Panchayat Samitis and Zilla Parishad means the Panchayat Samitis and Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.]] (h) "population" means the population ascertained at the last preceding census of which the relevant figures have been published; (i) "prescribed" means prescribed by rules made under this Act; (j) "rural area" means the area comprising all Panchayats in a district; (k) "Scheduled Tribes" means such castes, races or tribes or parts of or, groups within such castes, races or tribes as are deemed to be the Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution; (l) "Scheduled Castes" means such tribes or tribal communities or parts of or groups 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.

Chapter II

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 thirty and not more than fifty members as provided in sub-section (2) 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, for a district with population of, - (i) not more than twenty lakhs, shall have thirty members; (ii) more than twenty lakhs but not more than thirty lakhs, shall have forty members; and (iii) more than thirty lakhs, shall have fifty members. (3) Every District Planning Committee shall consist of the following members, namely: - I. Ex-officio

Members-(a)Minister-in-Charge of the district;(b)President of the Zilla Parishad;(c)[Collector of the district] [[This Clause was substituted for clause (c), (d), (e), & (f) by Maharashtra 30 of 2000, Section 2(a), (w.e.f. 5-5-2000). Substituted clause reads as follows-(c)one representative of the concerned Statutory Development Board for the district.(d)Divisional Commissioner of the District.(e)Collector of the District.(f)Chief Executive Officer of the Zilla Parishad.]]

II. Nominated Members- [[Paragraph II was substituted by Maharashtra 30 of 2000, Section 3(a)(2), (w.e.f. 5-5-2000).Substituted Paragraph II reads as follows -II. Nominated Members - The State, Government shall; in case of a District having forty members, nominate two and in case of a district having fifty members nominate four members, having knowledge relating to District Planning, in addition to the Ex officio members.]](a)The Governor shall nominate one member from amongst the members of the Statutory Development Board for the concerned region, as its representative;(b)The State Government shall nominate two members from amongst the members of the Maharashtra State Legislature and the members of Parliament, ordinarily resident of, or elected from the area of the District Planning Committee;(c)The State Government shall, in case of a District Planning Committee having forty members, nominate two members and in case of a District Planning Committee having fifty members, nominate four members, having knowledge relating to the District Planning, in addition to the Ex-Officio members and the members nominated under clauses (a) and (b);(d)Where a member of the District Planning Committee; nominated under clause (b) or (c), is a Minister, such member shall be designated as the Co-chairperson of the Committee.];

III. Elected Members-(a)Of the total number of members of the District Planning Committee not less than four-fifths shall be elected by, and from amongst the elected members of the Panchayat at the district level 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 [in the prescribed manner] [These words were substituted for the words 'by single transferable vote' by Maharashtra 30 of 2000, Section 3(3), (w.e.f. 5-5-2000).] 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.

IV. Special Invitees- [[Paragraph IV was substituted by Maharashtra 30 of 2000, Section 3(4), (w.e.f. 5-5-2000).Substituted paragraph reads as follows-IV. Special invitees - The members of Parliament the members of the Maharashtra State Legislature elected from or ordinarily residents of the area of the District Planning Committee shall be special permanent invitees at all the meetings of the District Planning Committee and shall have a right to take part In the deliberation of the meetings of the Committee.]](a)The Members of the Parliament and the members of the Maharashtra State Legislature, ordinarily resident of, or elected from the area of the District Planning Committee, other than those nominated by the State Government under paragraph 11;(b)the Divisional Commissioner for the district;(c)the Chief Executive Officer of the Zilla Parishad;(d)the officer on Special Duty (Planning) in the office of the Divisional Commissioner;(e)the District Planning Officer, and(f)the State Government in consultation with the Chair-person of the District Planning Committees shall nominate 10, 12 and 15 persons ordinarily resident of the area of the District Planning Committee and having knowledge of District Planning, to be special invitees on the District Planning Committees whose total number of members are 30, 40 and 50, respectively;];(4)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.(5)In the absence of the Chairperson at any meeting of the District Planning Committee, the members may elect the [Chairperson] [This word was substituted for the word 'Vice-Chairperson' by Maharashtra 30 of 2000, Section 3(4)(b), (w.e.f. 5-5-2000).] from amongst themselves to preside over the meeting.

4. Reservation of seats.

(1)In the seats to be filled in by election in the District Planning Committee, there shall be seats reserved for persons belonging to the Scheduled Castes, Schedule Tribes, Backward Class of Citizens and women, as provided in sub-sections (2) and (3) in the prescribed manner.(2)[The number of seats to be reserved for the persons belonging to the Scheduled Castes in each constituency shall bear, as nearly as may be, the same proportion to the total number of Scheduled Castes members in that constituency as the population of the Scheduled Castes in the district bears to the total population of the District:Provided that, [one-half] [[Sub-section (2) was substituted by Maharashtra 30 of 2000, Section 4(a), (w.e.f. 5-5-2000).Substituted sub-section reads as follows-(2)The number of seats to be reserved for the person belonging to the Scheduled Castes and 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 the urban or rural areas to the District Planning Committee as the population of the Scheduled Castes and the Scheduled Tribes in the urban areas or rural areas bears to the total population of those urban or rural areas.]] of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes:Provided further that, where the number of seats reserved for Scheduled Castes is only one, then no seat shall be reserved for woman belonging to the Scheduled Caste [* * *] [These words were deleted by Maharashtra 33 of 2012, Section 2(1)(b), (w.e.f. 24-12-2012).] .];Provided that, [one-half] [These words were substituted for the words 'one third' by Maharashtra 33 of 2012, Section 2(1)(a), and (2), (w.e.f. 24-12-2012).] 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 is only two, one of the two seats shall be reserved for woman belonging to any such Castes or Tribes.][(2A) One seat shall be reserved for the Scheduled Tribes in a District Planning Committee where the constituency of such district is having the largest number of elective seats in the general category, and where such district does not have a separate District Planning Committee exclusively for the Tribal Sub-Plan:Provided that, no seat shall be so reserved if there is no member belonging to a Scheduled Tribe amongst the members of the Constituencies of the District Planning Committees.] [Sub-section (2A) was inserted by Maharashtra 30 of 2000, Section 4(b), (w.e.f. 5-5-2000).](3)The number of seats to be reserved for the persons belonging to Backward Class of Citizens shall be thirty per cent, of the total number of seats to be filled-in by election in the District Planning Committee:Provided that, [one-half] [These words were substituted for the words 'one third' by Maharashtra 33 of 2012, Section 2(1)(a), and (2), (w.e.f. 24-12-2012).] of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of Citizens.(4)[One-half] [These words were substituted for the words 'One third' by Maharashtra 33 of 2012, Section 2(3), (w.e.f. 24-12-2012).] (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Class of citizens) of the total number of seats to be filled in by election from 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 at the time of such nomination on the District Planning Committee.(2)The term of office of the elected members of the District Planning Committee shall be co-terminus with their term of office in the respective local authority.(3)A 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 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.

- The State Government may, by notification in the Official Gazette, remove from the office a member of the District Planning Committee-(a)if he has any pecuniary interest in the schemes, or works included in the plans or programmes prepared by the Municipal Corporations, Zilla Parishads, Municipal Council or Nagar Panchayats in the District; or(b)if he is convicted for an offence involving moral turpitude punishable under the provisions of any law for the time being in force in the State; 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 by the District Planning Committee shall be such as may be prescribed.

8. Proceedings presumed to be good and valid.

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

9. Allowances of Chairperson [* * *] [The words 'Vice-chairperson' was deleted by Maharashtra 30 of 2000, Section 5(b) (w.e.f. 5-5-2000).] and members.

- The Chairperson [* * *] [The words 'the person elected as Vice-Chairperson under the sub-section (5) of section 3' were deleted by Maharashtra 30 of 2000, Section 5(a), (w.e.f. 5-5-2000).] 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.

- The State Government shall, by order, from the date specified in such order entrust to the District Planning Committee all or any of the functions mentioned below-(a)to consider and consolidate the District Annual Plans prepared by the Panchayats and Municipalities in the district and to prepare draft Development plan for the district as a whole;(b)to consider the Five-Year Plan and perspective plans prepared Panchayats and the Municipalities and co-ordinate and prepare draft Five Year Plan and perspective development plan for the entire district;(c)to review and monitor the progress of District Annual Plan and suggest reappropriation of approved provision of the District Annual Plan in accordance with the guidelines issued by the State Government;(d)to recommend through the Chairperson the approved draft development plan to the State Government; and(e)to ensure compliance of the provisions of clause (3) of article 243-ZD of the Constitution.

11. Constituting Executive Committees and Sub-Committees.

- The State Government may constitute an Executive Committee and sub-Committees, as may be necessary, for carrying the purposes of this Act.

Chapter III

Miscellaneous

12. Directives by State Government.

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

13. 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 the provisions of 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 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 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.

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 objects and purposes 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. Notification G.N.P.D. No. JNS. 1099/CR-72/DESK-1444, dated 5th May, 2000 (M.G. Part. 4-B, page 426) - In exercise of the powers conferred by sub-section (2) of section-1 of the Maharashtra District Planning Committees (Constitutions and Functions) (Amendment) Act, 2000 (Maharashtra Act 30 of 2000), the Government of Maharashtra hereby appoints the 5th day of May 2000 to be the date on which the said Act shall come into force.