

# Maharashtra Metropolitan Planning Committees Constitution and Functions Act, 1999

MAHARASHTRA

India

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### Act 5 of 2000

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Maharashtra Metropolitan Planning Committees Constitution and Functions Act, 1999 Maharashtra Act No. 5 of 2000 For Statement of Objects and Reasons, see Maharashtra Government Gazette, Part 8, page 180. First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 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 Order Maharashtra Metropolitan Planning Committees (Constitution and XI1 of 1999. Functions) Ordinance, 1999, on the 29th June 1999 (hereinafter referred to as "the said Ordinance"); And Whereas upon the re-assembly 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 re-assembly 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of the said Ordinance, for the purposes hereinafter appearing; and therefore, the said Ordinance was Maharashtra repealed by withdrawal and the Maharashtra Metropolitan Planning Committees (Constitution and Functions) (Continuance of Provisions) Ordinance 1999 (Maharashtra Order XXVI of 1999), was promulgated with retrospective effect that is, with 1999 effect from the 29th June 1999, on the 2nd December 1999; And Whereas it is expedient to replace the Maharashtra Maharashtra Metropolitan Planning Committees (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 I**

### **1. Short title, extent and commencement.**

(1) This Act may be called the Maharashtra Metropolitan Planning Committees (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 243-23 ; (c) "Metropolitan area" means a Metropolitan area as specified by the Governor under clause (c) of article 243-P ; (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 Bombay III Panchayat Samitis and Zilla Parishads constituted at the intermediate of 1959 and the District level respectively under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ; of 1962. (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 II**

## **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 Planning 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 :- I. Ex officio Members - (a) Principal Secretary or Secretary to Government, Urban Development Department ; (b) Divisional Commissioner of the concerned Revenue Division. II. 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 Maharashtra Regional and Town Planning Act, 1966, and

members of XXXVII 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.III. 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 that area ;(b)Members to be elected under clause (a) to the Metropolitan Planning Committee shall be elected by 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 a 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.IV. 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 organisations 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 and may be specified by the State Government while nominating them on 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 of corrupt practices.

## **6. Procedure to be followed to discharge of functions.**

- 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 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. Allowance 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. Functions of Metropolitan Planning committee.**

- Functions of the Metropolitan Planning Committee shall be 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 III**

## **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 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 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 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.

## **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 Maharashtra Order XXVI of 1999 and saving.**

(1)The Maharashtra Metropolitan Planning Committees (Constitution and Functions) (Continuance of Provisions) Ordinance, 1999 (Maharashtra Order XXVI 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

(See section 13)I. The Maharashtra Regional and Town Planning Act, 1966 (Maharashtra 37 of 1966).In section 4 of the said Act, after sub-section (I), the following sub-section shall be inserted, namely :-(1A) Notwithstanding anything contained in sub-section (1 ), the provisions of that sub-section shall not be applicable to the Metropolitan ah. area as defined in clause (c) of section 2 of the Maharashtra Metropolitan Planning Committees (Constitution and Functions) Act, 1999. (Maharashtra 5 of 2000)."II. The Mumbai Metropolitan Region Development Authority Act, 1974 (Maharashtra IV of 1975).(a)In section 2 of the said Act, to clause (f), 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 Maharashtra provisions of the Maharashtra Metropolitan Planning Committees (Constitution and Functions) Act, 1999 (Maharashtra V of 2000.);"(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 Committees (Constitution and Functions) Act, 1999, in preparation of development plan under that Act."