

The Gujarat District Planning Committees Act, 2008

GUJARAT

India

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Act 11 of 2008

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The Gujarat District Planning Committees Act, 2008 Gujarat Act No. 11 of 2008 (First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on 29-03-2008). An Act to provide for the constitution of the District Planning Committees at the district level for consolidation of the plans prepared by the Panchayats and the Municipalities in the district and preparation of draft development plan for the district as a whole. It is hereby enacted in the fifty-ninth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Gujarat District Planning Committees Act, 2008. (2) It extends to the whole of the State of Gujarat except the areas to which the provisions of the Bombay Provincial Municipal Corporations Act, 1949 (Bombay LIX of 1949) apply.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Committee" means a District Planning Committee constituted under sub-section (1) of Section 3; (b) "District Collector" includes an Additional District Collector, or any other officer appointed by the State Government to discharge all or any of the functions of the District Collector under this Act; (c) "District Panchayat" means a District Panchayat as defined in clause (7) of Section 2 of the Gujarat Panchayats Act, 1993 (Gujarat 18 of 1993); (d) "Municipality" means a municipality as defined in clause (14) of Sec. 2 of the Gujarat Municipalities Act, 1963 (Gujarat 34 of 1964); (e) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published; (f) "prescribed" means prescribed by rules; (g) "rural area" means an area within a Taluka. Explanation. - "Taluka" means a taluka as defined in clause (25) of Sec. 2 of the Gujarat Panchayats Act, 1993 (Gujarat 18 of 1993); (h) "urban area" means an area within a Municipality;

3. Constitution of District Planning Committee.

(1)The State Government shall, by notification in the Official Gazette, constitute a District Planning Committee in each district consisting of such number of persons not less than thirty and not more than forty as it may determine.(2)The District Planning Committee shall consist of the following members, namely:-(i)the Chairperson of the committee to be nominated by the State Government;(ii)the President of the District Panchayat, who shall be the Vice-Chairperson;(iii)the District Collector, who shall be the Co-Vice-Chairperson;(iv)the District Development Officer;(v)the District Planning Officer, who shall be the Member-Secretary of the Committee;(vi) a person or persons, as determined by the State Government, having special knowledge in the fields of economics, planning, finance, engineering or administration;(vii)(a)such number of members as determined by the State Government, to be elected by and from amongst the elected members of the District Panchayat; and(b)such number of members as determined by the State Government, to be elected by and from amongst the elected members of the Municipalities within the District:Provided that not less than four-fifths of the total number of the members of the Committee shall be elected by and from amongst the elected members of the District Panchayat and of the Municipalities in the District.(3)(i)The members of the House of the People and the members of the Gujarat Legislative Assembly elected from any constituency in the District or a part thereof shall be permanent invitees to the District Planning Committee;(ii)Such Officer or officers of the State Government or of any statutory' Board, Corporation or Authority having knowledge in the field of economics, planning, engineering, finance or administration, as decided by the State Government, shall be the permanent invitees to the District Planning Committee.

4. Election.

(1)The District Collector shall co-ordinate and supervise all works in connection with the election of members to the Committee in the manner as may be prescribed.(2)The District Collector shall appoint a Returning Officer and as many Assistant Returning Officer as may be necessary for conducting the election of members to the Committee.(3)The powers and functions of the Returning Officer and the Assistant Returning Officers shall be such as may be prescribed.(4)Where any dispute arises regarding any election held under this Act, any person entitled to vote at such election may, within thirty days after the date of the declaration of the results of such election, file a petition, calling in question such election, before the Election Commissioner of the State having jurisdiction, and the decision of the Election Commissioner shall be final and shall not be called in question in any court.(5)Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no civil court of law shall have jurisdiction to entertain any petition calling in question the validity of any election held under this Act.

5. Term of office and other conditions of members of Committee.

(1)The term of office of the members of the Committee other than ex-officio, shall be five years.(2)A member of a Committee, who is a member of a District Panchayat, a Municipality, the House of the People, the Legislative Assembly of the State shall cease to be a member of the Committee if he

ceases to be a member of the respective District Panchayat, Municipality, the House of the People or the Legislative Assembly of the State.(3)The other terms and conditions of the members of the Committee shall be such as may be prescribed.

6. Resignation.

- (i) The Chairperson may at any time, resign his office by writing to the State Government and on such resignation being accepted the Chairperson shall be deemed to have vacated his office;(ii)The Vice-Chairperson or a member of the Committee may, at any time, resign his office by writing to the Chairperson and, on such resignation being accepted, the Vice-Chairperson or, as the case may be, the member shall be deemed to have vacated his office.

7. Filling of casual vacancy in place of an elected member of the Committee.

- Any vacancy occurring by reason of death, resignation or otherwise of an elected member of a Committee shall be filled by election of another member in the manner as may be prescribed.

8. Grant to Committee.

- The State Government shall provide to the Committee such sum as it may think fit for the purpose of carrying out the functions by the Committee under this Act.

9. Procedure, records to be regulated by Committee.

(1)The Committee shall meet on such date, at such time and place as the Chairperson may think fit and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by rules:Provided that the Chairperson, when required by a notice in writing by at least one-third of the members of the Committee shall call a meeting within one month from the date of receipt of the notice.(2)Minimum of ten members, shall form a quorum for a meeting of the Committee:Provided that no quorum shall be necessary for an adjourned meeting.(3)The Secretary of the Committee shall maintain records and the proceedings of the meetings of the Committee and shall take such action as the Committee may decide.

10. Powers and functions of Committees.

(1)The Committee shall-(a)consolidate the plans prepared by the Panchayats and the Municipalities in the district, and(b)prepare a draft development plan for the district as a whole.(2)The Committee shall, in preparing the draft development plan under clause (b) of sub-section (1),-(a)have regard to-(i)matters of common interest between the Panchayats and the Municipalities including special 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 State Government may, by order, specify.(3)The State Government may, by order, assign to the

Committee such other functions relating to district planning.(4)The State Government may constitute Sub-Committees as may be deemed necessary for carrying out the purposes of this Act in the manner as may be prescribed.(5)The Chairperson of a Committee shall forward the draft development plan, as recommended by such Committee, to the State Government in the manner as may be prescribed.

11. Power of State Government to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)in particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters, which under any provisions of this Act, are required to be prescribed or to be provided for by rules.(3)All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.(4)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.

12. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for removing the difficulty:Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.(2)Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.