

Government of Bihar
Urban Development and Housing Department
Notificaton

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Patna, Dated 17 November, 2008

No 3 प्रा०-वि-101 / 2004 5264 UDD&HD.-In exercise of the powers conferred by section 291 of the Bihar Municipal Act, 2007 (Bihar Act.11 of 2007), the State Government hereby makes the following Rules:-

BIHAR METROPOLITAN PLANNING COMMITTEE RULES, 2008.

1. **Short Title, extent & commencement:** -(1) These rules may be called Bihar Metropolitan Planning Committee Rules, 2008.
(2) These rules shall apply to the entire Metropolitan Area and the Region as declared by notification by the Government of Bihar.
(3) These rules shall come in force on such date as the State Government, by notification in the official gazette, appoint.

2. **Definitions:-**

- i. "Act" means Bihar Municipal Act, 2007.
- ii. "Committee" means the Metropolitan Planning Committee.
- iii. "Metropolitan Area" means the Metropolitan Area / Region as notified in the Official Gazette by the State Government under the provisions of the Act.
- iv. "Board" means the Bihar State Planning Board.

3. **Composition of the Metropolitan Planning Committee**

The Metropolitan Planning Committee shall consist of the following members:-

- a. A Chairperson, who shall be the Minister incharge of Urban Development and Housing Department of the Government of Bihar;
- b. A Vice-chairperson, who shall be elected from amongst elected members as mentioned in clause c.
- c. Thirty members, to be elected by secret ballot, from amongst the elected members of Municipalities and Mukhiyas of the Panchayats in the metropolitan area in the proportion to the ratio between the population of the Municipalities and the Panchayats in that area;
- d. Secretary, Urban Development and Housing Department of the State, or his nominee, not below the rank of deputy secretary, ex-officio;
- e. Secretary, Planning and Development Department of the State, or his nominee not below the rank of deputy secretary, ex-officio;
- f. Finance Commissioner of the State or his nominee, not below the rank of deputy secretary, ex-officio;
- g. Secretary, Department of Industries / Commerce of the State or his nominee, not below the rank of deputy secretary, ex-officio;
- h. Secretary, Panchayat Raj Department of the state or his nominee, not below the rank of deputy secretary, ex-officio;
- i. Secretary, Road Construction Department of the state or his nominee, not below the rank of deputy secretary, ex-officio;
- j. Secretary, public health and engineering Department of the state or his nominee, not below the rank of deputy secretary, ex-officio;

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- k. Secretary, Energy Department of the state or his nominee, not below the rank of deputy secretary, ex-officio;
 - l. Secretary, environment and forest Department of the state or his nominee, not below the rank of deputy secretary, ex-officio;
 - m. A planning member who shall be the chief town planner of State or his nominee, not below the rank of associate planner, - ex-officio;
 - n. A nominee of the Department of Urban Development in the Ministry of Urban Development of the Government of India ex-officio;
 - o. District Magistrates of the Districts falling in the M.P.C. or an A.D.M nominated by DM ex-officio;
 - p. Municipal Commissioners of the Municipal Corporations falling in the area of the M.P.C.;
 - q. An officer not below the rank of special secretary appointed by the State Government having expertise in the field of planning and administration who shall be the member secretary and Chief Executive Officer of the metropolitan planning committee.
 - r. two other persons to be nominated by the State Government of whom one shall be a person having experience in the field of urban and regional planning/ town planning and the other shall be a social scientist having experience in the field of socio- economy and topology.

- 4. **Election of the Members of Metropolitan planning Committee:-** - The Members to be elected to the Metropolitan Planning Committee shall be elected under the guidelines, direction, supervision and control of the state Election Commission;
- 5. **Term of office of the elected members:**- The term of office of the elected members shall be coterminous with the term of office by virtue of which they are elected under rule-4. Every such member shall cease to be a member of the metropolitan planning committee on their ceasing to be an elected member of the bodies concerned.
- 6. **Meetings of the Metropolitan Planning Committee** – (1) The Metropolitan Planning Committee shall meet as and when necessary, generally at least once in every three months in a year at such times and places as the chairperson may determine in this behalf and shall observe such procedure as may be necessary in regard to the transaction of its business at such meetings;
(2) The chair person or in his absence the vice-chair person, or in the absence of both any member chosen by the members present from amongst themselves, shall preside at a meeting of the metropolitan planning committee;
- 7. **Validation:-** No act or proceeding of the Committee shall be invalid or called in question by reason of any vacancy, initial or subsequent, in, or defect in the constitution of the Committee.
- 8. **Executive Committee and Staff of the Metropolitan Planning Committee:-** (1) There shall be an Executive Committee under the Chairmanship of Secretary Urban Development and Housing Department comprising of ex-officio members provided under clause e, f, and m of rules 3 of these rules with the member secretary of Metropolitan Planning Committee as convenor for managing day to day affairs of the Committee and take the policy decisions of the Committee which shall be placed before

- i. Population assignment and settlement pattern of rural service centres as well as small, medium and large urban centres and their functional specialisation;
 - j. Protection of environmentally and ecologically sensitive areas and conservation of heritage;
 - k. Generalised Land use in the Metropolitan region;
 - l. Fiscal resource requirements and its mobilisation including the extent and nature of investments likely to be made in the metropolitan area by agencies of the Government of India and the Government of State and private sector;
 - m. Development of special areas, if any, such as new towns, industrial townships, etc.
 - n. Phasing of the metropolitan area perspective Plan in periods of five years preferably coterminous with the State five year Plan; and
 - o. Any other particulars and details as may be considered necessary by the Metropolitan Planning Committee and as may be directed by the Government.
- B. Formulate metropolitan area development plan within one year from the date of constitution of the Metropolitan Planning Committee having regard of under preparation to the perspective plan prepared or under preparation under clause (A) of sub-section (ii) and development goals, objectives and priorities for the plan period as well as the fiscal resources and central and state Government investment policies and programmes incorporating:-
- a. All or any matters mentioned in sub-clause (a) to (m) of clause (A) of sub-section (ii);
 - b. Phasing of the metropolitan area development plan into five annual plans by sectoral programmes, projects and schemes indicating physical targets and fiscal requirements;
 - c. Any other particulars and details as may be considered necessary by the Metropolitan Planning Committee or as may be directed by the Government.
- C. Prepare metropolitan area annual plan within the framework of approved metropolitan area development plan having regard to findings or review of fiscal and physical performance of the previous annual plan;
- D. Consult such institutions and organisations as the Chamber of Commerce and Industry, Non-Governmental Organisations including professional bodies as Institute of Town Planners, India in the formulation of metropolitan level plans as the government may determine in this behalf;
- E. Monitor the physical achievements of the investments made by the various planning and development authorities on annual basis and submission of report thereon to the State Government;
- F. Resolve conflicts arising out of overlapping functions of planning and development of Municipalities and rural local bodies;
- G. Advise the municipal bodies and panchayats on their up-gradation of status and alteration of boundaries;

the Metropolitan Planning Committee. Municipal Commissioner/ Municipal Executive Officers of the Municipalities concerned may be made special invitees of the Executive committee as and when it is necessary by the Secretary Urban Development and Housing Department.

(2) Subject to the budgetary Provisions, Metropolitan Planning Committee may engage on contract basis such number of management experts and other staff for Administration and technical work as may be necessary to its efficient performance;

provided that no post shall be created without the prior approval of the State Government.

(3) The Committee may appoint a consultant on hire to assist in planning and other tasks;

provided that no consultant shall be hired on more than Rupees five lakhs without the prior approval of the State Government.

9. Functions and Powers of the Metropolitan Planning Committee:-

- i. The function of the Metropolitan Planning Committee shall be to formulate development goals, objectives, policies and priorities in matters relating to Planning, Development and use of urban and rural land in the Metropolitan area having due regard to the overall objectives and priorities set by the Government, to integrate Plans prepared by Municipal Bodies and the Panchayat within the Metropolitan area; matters of common interest between the Municipalities and the Panchayats, Co-ordinated spatial Planning, Economic development and social justice;
- ii. In particular and without prejudice to the generality of the foregoing provisions, the Metropolitan Planning Committee, with the assistance of the Metropolitan Planning member and in consultation with the State Chief Town Planner shall:-
 - A. Formulate a perspective plan within two years from the date of constitution of the Metropolitan Planning Committee for the Metropolitan area, taking into account the perspective planning of the State and of the planning of the Municipalities and Panchayats. Such perspective Plan of the Metropolitan area shall indicate policies, strategies and priorities and majority of projects for a plan period of twenty to twenty-five years and shall have due regard to :-
 - a. Physical and natural resource potentials and their utilisation;
 - b. Natural hazard prone areas;
 - c. Poverty alleviation and employment in both formal and informal sectors;
 - d. Development of trade, commerce, and industry;
 - e. Rural development;
 - f. Metropolitan area level transportation system including mass transportation.
 - g. Integrated infrastructure development covering water, energy, sanitation, education, health, recreation communication and other utilities facilities and services;
 - h. Housing and shelter development;

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- H. Sort out matters relating to sharing of water, other physical and natural resources;
 - I. Formulate policies and identify projects for integrated development of metropolitan area level infrastructure and facilitate their implementation through public or private agencies;
 - J. Serve as nodal agency for disbursement of such funds as the Government may determine to the Panchayats and the planning and development of Municipalities; and
 - K. Perform any other incidental, supplemental and 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 these Rules.

10. **Preparation and approval of Metropolitan Area Perspective Plan:-** (1) The metropolitan planning committee shall prepare a perspective plan of the metropolitan area having regard to the provisions contained in clause (a) of sub-rule (2) of rule-9 and a report thereon and shall publish a notice at least in one local newspaper indicating the place or places where copies of such plans along with the report thereon shall be available to the public for inspection inviting objections and suggestions in writing from any person in respect of the said plan within a period of thirty days.
- (2) Simultaneous with the publication of the notice under sub-section (1), the metropolitan planning committee shall appoint a Hearing Committee consisting of not more than five of its members including the Metropolitan 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 metropolitan planning committee within a period of sixty days from the date of expiry of the notice under sub-section (1):
- (3) The metropolitan 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 such modifications, as may be considered necessary, and thereafter the perspective plan together with the objections received under sub-section (1) and the report of the hearing committee under sub-section (2) shall be submitted to the State Government.
- (4) The State Government shall within sixty days of the date of receipt of the metropolitan area perspective plan forwarded to it under sub-section(3), in consultation with the State Chief Planner and after ensuring that the perspective plan is within the framework of the approved state perspective plan, approve the same with or without modifications.
- (5) As soon as may be but not later than thirty days after the perspective plan of the metropolitan area has been approved by the State Government, the metropolitan planning committee shall forward a copy thereof to each of the concerned planning and development authorities and panchayat at the district level falling within the metropolitan area and also publish the salient features of such approved plan in at least two newspapers circulating in the concerned metropolitan area of which one must be in the regional language for information of the public and specifying the place or places where a full copy of such plan may be inspected:
- Provided that in case the perspective plan of the metropolitan area has been approved by the State Government with modifications the metropolitan planning committee shall incorporate the necessary modifications before forwarding it to the above bodies and before aforesaid publication in the newspapers.

- 11. Preparation and approval of Metropolitan Area Development Plan:-** (1) The metropolitan planning committee shall prepare a metropolitan area development plan for a period of five years 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 metropolitan area 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) Simultaneous with the publication of notice under sub-rule (1), the metropolitan planning committee shall appoint a Hearing Committee consisting of not more than five of its members including the metropolitan 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 metropolitan planning committee within a period of sixty days from the date of expiry of notice under sub-rule (1).
- (3) The metropolitan planning committee shall, within thirty days from the date of receipt of the report of the Hearing Committee under sub-rule (2) resolve to effect such modifications, as may be considered necessary, and thereafter the Metropolitan Area Development Plan together with the objectives received under sub-rule (1) and the report of the Hearing Committee under sub-rule (2) shall be submitted to the, State Chief Planner and the government.
- (4) The government shall, within sixty days of the receipt of the Metropolitan Area Development Plan under sub-rule (3) in consultation with the Board and the State Chief Town Planner, approve the same with or without modifications.
- (5) As soon as may be, but not later than thirty days, after the development plan of the metropolitan area has been approved by the government, the metropolitan planning committee shall publish a notifications in Official Gazette and in at least two local newspapers, stating that the Development Plan of the metropolitan area has been approved and mentioning the place or places where a copy of the metropolitan area development plan may be inspected at all reasonable hours and that copies thereof or an extract therefrom certified to be correct shall be available for sale to the public at a reasonable price.
- (6) The metropolitan area development plan shall come into operation from the date of its publication in the Official Gazette.
- (7) Simultaneous with the publication of metropolitan area development plan in the Official Gazette under sub-rule (5), the metropolitan planning committee shall forward a copy thereof to each of the concerned planning and development authorities and the panchayats.
- 12. Review and revision of the metropolitan area perspective Plan:-** Immediately after the expiry of ten years from the date of approval of the metropolitan area perspective plan under sub-rule (4) of rule10 but not later than one year the metropolitan planning committee shall review such plan and prepare a fresh metropolitan area perspective plan for a period of twenty to twenty-five years after incorporating such modifications and amendments as may be considered necessary and submit for approval as laid down in rule 10.
- 13. Review and revision of the metropolitan area development plan:-** Immediately after the expiry of three years from the date of the approval of the metropolitan area development plan under sub-rule (4), of Rule 11, but not later than one year there after the metropolitan planning committee shall review such plan and prepare a fresh metropolitan area development for the next 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 rule-11.

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14. Modification to metropolitan area perspective plan and development:- Notwithstanding anything contained in rule 12 and 13 the perspective plan or development plan of a perspective plan and metropolitan area may be modified any time for development purpose, the metropolitan planning committee shall publish a draft of the proposed modifications by a notice in at least one local newspaper inviting objections and suggestion from the public within thirty days from the date of the aforesaid publication of the notice. and after giving an opportunity of hearing to such persons who have made request of being heard and after considering such objections and suggestions finalise the modifications and submit the modifications together with the objection and report of the to hearing committee to the Board or the government, as the case may be.

(2) The Board or the government, as the case may be may approve the modifications with or without variations or refuse to approve the modifications 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 board or the government as the case may be, unless they are in public interest and are notified to the public.

15. Budget and Accounts:- (1) Every year Annual Budget shall be prepared and passed by the Metropolitan Planning Committee and shall be sent to the State Government.

(2) Funds received from State Government/ Central Government for any specific purpose shall be kept separately in any schedule Bank.

(3) Operation of account of Metropolitan planning Committee shall be in such a manner as may be decided by the committee.

(4) Every year audit of Metropolitan Planning Committee shall be performed by the Comptroller and Auditor General of India.

(5) Audit report along with Annual Accounts will be submitted to the State Govt.

16. Implementation of the Plan.- The perspective plan/development plan/ master plan as approved by the metropolitan planning committee shall be implemented by the Municipalities/ Panchayats concerned of that area.

17. Power of State Government to implement scheme of municipalities and panchayats in case of their failure to implement under metropolitan area.- where the State Government is satisfied that any development project which has not been carried out by the Municipalities or the Panchayats the State Government may authorise the agencies to implement the projects & schemes of the area concerned.

18. Removal of Difficulties.- If any difficulty arises in giving effect to the provisions of these rules, the State Govt. may, as occasion may require, by order do anything which may be necessary for removing the difficulty.

19. Over-riding Effect of this Rule.- Not notwithstanding anything contained in the Bihar Municipal Act, 2007 or any other Act/Rules relating to Urban and Rural Local Bodies contrary to the provisions contained in these rules the provisions of these rule shall have an over-riding effect over all such law/rules.

By the order of the Governor of Bihar

Fulby m 13/11/08

Principal Secretary

Urban Development and Housing
Department.

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/ पटना, दिनांक- 17-11-08

प्रतिलिपि:- अधीक्षक, सचिवालय मुद्रणालय, गुलजारबाग, पटना को, बिहार गजट के असाधारण अंक में प्रकाशनार्थ सी०डी० एवं दो हार्ड कॉपी सहित प्रेषित।

2. उनसे अनुरोध है कि वे प्रकाशित गजट की 200 प्रतियाँ नगर विकास एवं आवृत्ति विभाग को उपलब्ध करावेंगे।

Fulby 13/11/08
प्रधान सचिव

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प्रतिलिपि:- सभी विभाग/सभी विभागाध्यक्ष/आयुक्त, पटना, प्रमंडल, पटना/जिला पदाधिकारी,
पटना/नगर आयुक्त, पटना नगर निगम/माननीय मंत्री, नगर विकास एवं आवास विभाग के आज सचिव
को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

प्रधान सचिव