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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th September, 2008, is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 2008.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette" on the 30th September, 2008).

AN ACT

to provide for the constitution of the Metropolitan Planning Committee in every Metropolitan area for preparation of the draft development plan for the Metropolitan area.

It is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Metropolitan Planning Committees Act, 2008. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires, -

- (a) "Chief Executive Authority" means officer appointed by the Government in respective Urban Development Authority;
- (b) "Collector" means the Collector of the District in the Metropolitan area;
- (c) "Committee" means a Metropolitan Planning Committee constituted under sub-section (1) of section 3;
- (d) "district" means a district of Gujarat;
- (e) "District Development Officer" means the officer appointed as such by the Government under the Gujarat Panchayats Act, 1993; Guj. 18 of 1993.
- (f) "District Panchayat" means a District Panchayat defined in clause (7) of section 2 of Gujarat Panchayats Act, 1993; Guj. 18 of 1993.
- (g) "panchayat" means a village panchayat as defined in clause (30) of section 2 of the Gujarat Panchayats Act, 1993; Guj. 18 of 1993.
- (h) "population" means the population as 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) "Metropolitan area" means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Government by public notification to be a Metropolitan area for the purposes of this Act;
- (k) "Municipality" means an institution of self-Government as defined in clause (14) of section 2 of the Gujarat Municipalities Act, 1963; Guj. 34 of 1964.
- (l) "notification" means notification published in the *Official Gazette*;
- (m) "Urban Development Authority" means an urban development authority constituted under sub-section (1) of section 22 of the Gujarat Town Planning and Urban Development Act, 1976 for Ahmedabad, Surat, Vadodara and Rajkot. President Act No. 27 of 1976.

3. (1) The State Government shall, by notification in the *Official Gazette* constitute a Metropolitan Planning Committee in every Metropolitan area consisting of such number of persons not less than thirty and not more than forty-five as it may determine.

Constitution of
Metropolitan
Planning
Committee.

(2) The Metropolitan Planning Committee shall consist of following members, namely :-

- (i) The Chairperson of the committee shall be the Minister nominated by the Government;
- (ii) the President of the District Panchayat having largest population in the Metropolitan area if there are more than one district, within the Metropolitan area, shall be a member;
- (iii) the Chairman of the concerned Urban Development Authority in Metropolitan area, *ex-officio*;
- (iv) the Mayor of Municipal Corporation shall be member;
- (v) the Municipal Commissioner, *ex-officio*;
- (vi) the District Collector, *ex-officio*;
- (vii) the District Development Officer of the District Panchayat having largest population in the Metropolitan area if there are more than one district, within the Metropolitan area, *ex-officio*;
- (viii) the Chief Executive Authority of concerned Urban Development Authority shall be Member-Secretary of the Committee and his office will be the Secretariat of the Committee;
- (ix) a person or persons, as determined by the State Government having special knowledge in the fields of economics, planning, finance, engineering or administration, may be appointed as member or members;
- (x) Such number of members as determined by the State Government, to be elected by and from amongst the elected members of Municipalities and Chairpersons of Panchayats falling in the Metropolitan area :

Provided that not less than two-thirds of the total number of the members of the Committee shall be elected by and from amongst the elected members of the Municipalities and Chairpersons of the Panchayats in proportion to the ratio between the population of the Municipalities and of the Panchayats in the Metropolitan area.

(3) (i) The members of the House of the People and the members of the Gujarat Legislative Assembly elected from any constituency in the Metropolitan area or a part thereof shall be permanent invitees to the Metropolitan 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 Metropolitan Planning Committee.

Election. 4. (1) The Municipal Commissioner 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 Municipal Commissioner 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 an appeal 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.

Term of office and other conditions of members of Committee.

5. (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 Chairperson of a Panchayat, or a member of 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 Chairperson of respective Panchayat, or a member of the respective 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. A member of a Committee may, at any time, resign his office by writing to the Chairperson and, on such resignation being accepted, the member shall be deemed to have vacated his office. **Resignation.**
7. 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. **Filling of casual vacancy in place of an elected member of Committee.**
8. 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. **Grant to Committee.**
9. (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; **Procedure, records to be regulated by Committee.**
- 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 actions as the Committee may decide.
10. (1) Every Metropolitan Planning Committee shall prepare a draft development plan for the Metropolitan area as a whole. **Functions of Metropolitan Planning Committee.**
- (2) The Committee shall, in preparing the draft development plan under subsection (1), -
- (a) have regard to -
- (i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area,
- (ii) matters of common interest between the Municipalities and the Panchayats, including co-coordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
- (iii) the overall objectives and priorities set by Government of India and the State Government;

(iv) the extent and nature of investments likely to be made in Metropolitan area by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise;

(b) consult such institutions and organizations as the State Government may, by order, specify.

(3) The Chairperson of a Metropolitan Planning Committee shall forward the draft development plan, as recommended by such Committee, to the State Government in the manner as may be prescribed.

(4) The Chairperson of a Committee shall have powers to invite any expert of any field if necessary as a special invitee.

Power of State Government to make rules.

11. (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 provision 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 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.

Power to remove difficulties.

12. (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.