

NO. 1110/XXXVI(4)/2007

Dehradun, Dated July 16, 2007

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttarakhand District Planning Committee Bill, 2007 (Uttarakhand Adhiniyam Sankhya 04 of 2007).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on July 13, 2007.

THE UTTARAKHAND DISTRICT PLANNING COMMITTEE ACT, 2007

(UTTARAKHAND ACT NO. 04 OF 2007)

AN

ACT

to constitute District Planning Committee at the district level for consolidation of plans prepared by the panchayats and the Municipalities in the district and preparation of draft development Plan for the district as a whole and for the matters connected therewith or incidental thereto--

Be it enacted by the Legislative Assembly in the 58th year of the Republic of India as follows:--

1. (1) This act shall be called the Uttarakhand District Planning Committee Act, 2007. Short title, Extent and Commencement
- (2) It shall be applicable to the whole State of Uttarakhand.
- (3) It shall be deemed to have come into force at once. Definitions
2. In this Act--
 - (a) "Legislative Assembly Rolls" means the electoral rolls of any constituency of the Legislative Assembly prepared under and according to the provisions of the Representation of the People Act, 1950;
 - (b) "Committee" means the District Planning Committee constituted under section 3;
 - (c) "District level officer" means such officer of the district as the State Government, may, by notification, specify;
 - (d) "Kshettra Panchayat" means a Kshettra Panchayat established under section 5 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 (as applicable to the State of Uttarakhand and as amended from time to time);
 - (e) "Minister" means a member of the Council of Ministers of the Government of Uttarakhand and includes Minister of State and Deputy Minister;
 - (f) "Municipality" means a Municipal Corporation, a Municipal Council or a Nagar Panchayat constituted under the Uttar Pradesh Municipalities Act, 1916 (as applicable to the State of Uttarakhand and as amended from time to time) or the Uttar Pradesh Municipal Corporation Act, 1959 (as applicable to the State of Uttarakhand and as amended from time to time), as the case may be;
 - (g) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

- (h) "Rural area" means an area other than urban area;
- (i) "Urban area" means the territorial area of a Municipal Corporation, Municipal Council or Nagar Panchayat, as the case may be;
- (j) "Zila Panchayat" means a Zila Panchayat established under section 17 of the Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961 (as applicable to the State of Uttarakhand and as amended from time to time).

Constitution of
District Planning
Committee

3. (1) There shall be constituted in every district a District Planning Committee, to consolidate the plans prepared by the Panchayats and Municipalities in the district and to prepare a draft development plan for the district as a whole.
- (2) The Committee shall, in preparing the draft development plan--
- (a) have regard to--
 - (i) matters of common interest between the Panchayats and Municipalities including spatial 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 financial or other resources;
 - (b) consult such institutions and organizations as the Governor may, by order, specify.

Composition of
District Planning
Committee

4. (1) Every Committee shall consist of such number of members as may be prescribed:
- Provided that the number of members shall not be less than fifteen and more than forty.
- (2) Not less than four-fifths of the total number of members of the Committee shall be elected in the prescribed manner by, and from amongst, the elected members of the Zila Panchayat and 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.
- (3) Where the urban area of the district comprises more than one Municipality, the number of members of the Committee from amongst the elected members of such Municipalities shall be distributed amongst such Municipalities in such manner as may be prescribed.
- (4) The remaining one-fifth members of the Committee shall be--
- (a) a Minister nominated by the State Government, who shall be the Chairperson of the Committee;
 - (b) the Adhyaksha of the Zila Panchayat;
 - (c) **the District Magistrate-ex-officio member;**
 - (d) such other members as may be nominated by the State Government subject to the condition that the number of members under this sub-section shall not exceed one-fifth of the total members of the committee.
- (5) A member nominated under clause (d) of sub-section (4) shall hold office during the pleasure of the Governor.
- (6) No member of the Committee shall nominate any person as his representative to attend a meeting of the Committee on his behalf.

- (7) An elected member of the Committee shall cease to be member thereof if he ceases to be member of the Municipality or Zila Panchayat, as the case may be.
- (8) If the office of an elected member of the Committee falls vacant owing to his death, resignation or otherwise, the vacancy shall be filled for the residue of his term in the manner provided under sub-section (2).
5. No act or proceeding of the Committee shall be invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Committee. Vacancies etc. not to invalidate proceedings of the Committee
6. (1) Members of the house of the people and members of the Legislative Assembly of the State, representing those constituencies which are comprised wholly or partly in the district, shall be permanent invitees to the meetings of the Committee. Permanent invitees to the Committee
- (2) Members of Council of the States representing the State shall also be permanent invitees to the meetings of the Committee of a District of their choice.
- (3) Members of the Legislative Assembly of the State as nominated by the Governor, shall also be permanent invitees to the Committee of the District of their choice.
- (4) The Nagar Pramukh or the Chairman as the case may be, of the Municipality situated at the Head Quarters of the district, shall also be permanent invitee to the Committee.
- (5) No permanent invitee shall nominate a person as his representative to attend a meeting of the Committee on his behalf :

Provided that where a permanent invitee, who is not a member of the Council of Ministers of the Government of India or the Government of Uttarakhand, has been required to attend such meeting in two or more district on the same day, he/she may nominate a person as his representative to attend the meeting of the committee of a district in which he/she is not in a position to attend such meeting:

Provided further that where a permanent invitee, who is a member of the Council of Ministers of the Government of India or the Government of Uttarakhand, has been required to attend such meeting, may nominate a person as his representative to attend the meeting of the committee if he is not in a position to attend such meeting.
7. (1) **Chief Development Officer of the district shall be the Secretary** of the Committee and shall be responsible for maintaining records of the Committee, preparing minutes of the Committee, and communication of decision and all others incidental or ancillary matters and shall make available to the Committee such assistance as may be necessary for the discharge of its functions. Secretary of the Committee
- Explanation**—For the purpose of this sub-section the expression "Chief Development Officer" includes Chief Executive Officer.
- (2) The Economic and Statistics Officer of the district shall be the ex-officio Joint Secretary of the Committee to assist the Committee in such manner as may be directed by the Committee.

Election of the members of the Committee

8. The State Election Commission shall have superintendence, direction and control of the preparation of electoral rolls of, and the conduct of, elections of the members of the Committee in such manner as may be prescribed.

Functions of the Committee

9. The Committee shall perform the following functions, namely :--
- (a) To identify local needs and objectives within the frame work of national and state plan objectives;
 - (b) To collect, compile and update information relating to natural and human resources of the district to create a sound database for decentralized planning and preparation of district and block resources profiles;
 - (c) To list and map amenities at village, block and district levels;
 - (d) To determine policies, programmes and priorities for development of the district, in order to ensure maximum and judicious utilization and exploitation of available natural and human resources;
 - (e) To modify or amend and consolidate the draft Five Year or Annual Development Plan prepared for the rural and urban areas, keeping in view the over-all plan objectives and strategies;
 - (f) To submit development plan to the State Government in such manner as may be prescribed;
 - (g) To prepare employment plan for the district;
 - (h) To prepare estimate of financial resources for financing the district plan;
 - (i) To allocate sectoral and sub-sectoral outlays within the overall frame work of the district development plan;
 - (j) To monitor, evaluate and review progress under the schemes and programmes being implemented in the district under the decentralized planning framework including central sector and centrally sponsored schemes, and the Local Area Development Schemes of Parliamentary Constituencies and Assembly Constituencies;
 - (k) To submit regular progress reports to the State Government in respect of schemes included in the district plans;
 - (l) To identify schemes and programmes which require institutional finance, device appropriate forward and backward linkages with the plans and ensure requisite flow of such investment;
 - (m) To ensure participation of voluntary organizations in over-all development process;
 - (n) To make suggestions and recommendations to the State Government with regard to the State Sector Schemes having significant bearing on the process of development of the district;
 - (o) To finalize site selection for different works and schemes;
 - (p) Any other functions, which may be entrusted by the State Government.

Scope of the District Plan

10. (1) The District Plan shall include subjects enumerated in the United Provinces Panchayat Raj Act, 1947 (as applicable to the State of Uttarakhand and as amended from time to time) and the Uttar Pradesh Kshettra Panchayat and Zila Panchayat Adhiniyam, 1961 (as applicable to the State of Uttarakhand and as amended from time to time) for the rural areas, or the Uttar Pradesh

Municipalities Act, 1916 (as applicable to the State of Uttarakhand and as amended from time to time) or the Uttar Pradesh Municipal Corporation Act, 1959 (as applicable to the State of Uttarakhand and as amended from time to time) for urban areas, as the case may be.

- (2) The district plan may also include such other matters as may be considered necessary by the Committee or as the State Government may, by order, direct.
11. (1) The State Government shall inquire into and estimate the financial resources for financing the District Plan and shall decide the district plan outlay ceiling accordingly. District Plan Ceiling
- (2) The District Plan outlay ceiling fixed under sub-section (1) may be revised or altered at any time during the financial year by the State Government.
12. The Committee shall finalize the draft development plan for the district. Finalisation of the District Plan
13. (1) For the purpose of the implementation of district plan, the State Government may, subject to District Plan outlay ceiling make district-wise provisions for money in its annual financial statement and after due appropriation thereof shall allocate in lump-sum to the district. Allocation of money to districts
- (2) Subject to the supervision and control of the State Government, the District Magistrate shall have power to accord financial sanctions for the District Plan, finalized under section 12.
- (3) Subject to the District Plan outlay ceiling fixed by the State Government, the committee may alter, revise or modify outlay of the schemes and programmes of the District Plan and the District Magistrate may reallocate the money in the manner prescribed.
14. If any dispute or question arises in relation to function, powers or jurisdiction of the committee or in relation to any other matter, the dispute or question shall be referred to the State Planning Commission whose decision thereon shall be final. Resolution of Disputes
15. (1) The meeting of the Committee shall be held at least once in every quarter at the district Headquarters on such date and time as may be fixed by the Chairperson. Meetings of the Committee
- (2) The Committee may invite experts to attend its meeting on such terms and conditions as may be prescribed.
- (3) In the absence of the Chairperson, such other member of the committee as may be chosen by the members of the committee present in the meeting, shall preside over the meeting of the committee.
16. The Committee may constitute Sub-committees to discharge any of its functions under this Act. Sub-Committees
17. The State Government may, by order, assign to the Committee such functions relating to the district plan co-ordination and monitoring, covering the activities of different departments of the State Government as may be deemed necessary. Power of the State Government to assign functions to the committee
18. No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or intended to be done, in pursuance of this Act or the rules made thereunder. Protection of action taken in good faith

- Power to make rules 19. The State Government may by notification, make rules for carrying out the purpose of this Act.
- Committee to regulate its procedure 20. Subject to any rule made by the State Government, the committee shall regulate its own procedure.
- Power to remove difficulties 21. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notified order, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.
- (2) Every order made under sub-section (1) shall, as soon as, may be after it is made, be laid before the State Assembly and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 (as applicable to the State of Uttarakhand and as amended from time to time) shall apply as they would apply in respect of rules made by the State Government under any Uttar Pradesh Act (as applicable to the State of Uttarakhand and as amended from time to time).
- Over-riding effect 22. Notwithstanding anything contained to the contrary in any other law for the time being in force, the provisions of this Act shall apply in all matters including constitution of the committee and election of members thereof, formulation of plan and other matters incidental or consequential thereto.
- Repeal and savings 23. (1) The Uttar Pradesh District Planning Committee Act, 1999 (Uttar Pradesh Act No. 9 of 1999) (as applicable to the State of Uttarakhand and as amended from time to time) is hereby repealed in the context of the Uttarakhand State.
- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Act referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act as if the provisions of this Act were in force at all material times.

By Order,

Smt. INDIRA ASHISH,
Secretary.