

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

West Bengal Act XX of 1994

**THE WEST BENGAL DISTRICT PLANNING
 COMMITTEE ACT, 1994.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 3rd May, 1994.]

[3rd May, 1994.]

An Act to provide for the constitution of District Planning Committee 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.

WHEREAS it is expedient to provide for the constitution of District Planning Committee 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 Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal District Planning Committee Act, 1994.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal, except the areas to which the provisions of—

(a) the Calcutta Municipal Corporation Act, 1980, or

(b) the Darjeeling Gorkha Hill Council Act, 1988, or

any part or modification thereof, apply or may hereafter be applied.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “Committee” means a District Planning Committee, or Siliguri Sub-division Planning Committee, constituted under sub-section (1) of section 3;

Definitions.

West Ben.
Act LIX of
1980.

West Ben.
Act XIII of
1988.

(Section 3.)

- (b) "Constitution" means the Constitution of India;
- (c) "District Magistrate" includes an Additional District Magistrate, or any other Magistrate appointed by the State Government to discharge all or any of the functions of the District Magistrate under this Act;
- (d) "Governor" means the Governor, appointed as such under article 155, read with article 153, of the Constitution, for the State of West Bengal;
- (e) "Municipality" has the same meaning as in clause (e) of article 243P of the Constitution;
- (f) "notification" means a notification published in the *Official Gazette*;
- (g) "*Panchayat Samiti*" means a *Panchayat Samiti* constituted under the West Bengal *Panchayat Act*, 1973;
- (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) "rural area" means an area within a Block.

West Ben.
Act XLI of
1973.

Explanation.—"Block" has the same meaning as in clause (2) of section 2 of the West Bengal *Panchayat Act*, 1973;

- (k) "urban area" means an area within a Municipality;
- (l) "*Zilla Parishad*" means a *Zilla Parishad*, and includes *Mahakuma Parishad* for the sub-division of Siliguri in the district of Darjeeling, constituted under the West Bengal *Panchayat Act*, 1973.

District
Planning
Committee.

3. (1) For every district the State Government shall constitute a District Planning Committee bearing the name of the district, except for the sub-division of Siliguri in the district of Darjeeling for which the State Government shall constitute a Planning Committee to be called Siliguri Sub-division Planning Committee.

(2) Subject to such rules as may be made by the State Government in this behalf, the State Government shall, by notification, determine the number of members of a Committee including—

- (a) the number of such members to be elected by, and from amongst, the elected members of the *Zilla Parishad*:

Provided that no *Sabhadhipati* of a *Zilla Parishad* shall be elected under this clause,

XX of 1994.]

(Section 3.)

- (b) the number of such members to be elected by, and from amongst, the elected members, by whatever name called, of all the Municipalities within the district or, in the case of the sub-division of Siliguri in the district of Darjeeling, of all the Municipalities within that sub-division:

Provided that no Chairperson of a Municipality shall be elected under this clause, and

- (c) the number of such members, not exceeding one-fifth of the total number of members of the Committee, as may be appointed by the State Government under sub-section (3):

Provided that the ratio between the number of members of a Committee and the sum total of the rural population and the urban population in district, or, in the case of the sub-division of Siliguri, in the district of Darjeeling, in that sub-division shall, so far as practicable, be the same throughout West Bengal:

Provided further that four-fifths of the total number of members of a Committee shall not exceed the total number of elected members of the *Zilla Parishad*:

Provided also that the number of members referred to in clause (a) shall bear, as nearly as may be, the same proportion to the number of members, referred to in clause (b), as the population of the rural areas bear to the population of the urban areas in the district or, in the case of the sub-division of Siliguri in the district of Darjeeling, in that sub-division.

(3) Subject to the provisions of clause (c) of sub-section (2), the State Government shall, by notification, appoint the members referred to therein, and such members shall include—

- (a) the *Sabhadhipati* of the *Zilla Parishad*,
- (b) the District Magistrate of the district, and
- (c) such other members as the State Government may think fit to choose from amongst—
 - (i) the *Sabhapatis* of the *Panchayat Samitis* within the district,
 - (ii) the members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising any part of the district, not being Ministers,
 - (iii) the officers of the State Government or of any statutory body or corporation deemed by the State Government to have specialised knowledge,

(Sections 4, 5.)

- (iv) the Chairpersons of the Municipalities within the district or, in the case of the sub-division of Siliguri in the district of Darjeeling, within that sub-division, and
- (v) the economists and social and political workers of eminence.

Chairperson,
Vice-
Chairperson
and
Secretary of
Committee.

4. (1) The *Sabhadhipati* of the *Zilla Parishad* shall be the Chairperson of the Committee.

(2) As soon as may be after constitution of the Committee or in the event of any vacancy, as the case may be, the members of the Committee shall select a Vice-Chairperson from amongst themselves in such manner as may be determined by the Chairperson.

(3) In the absence of the Chairperson, the Vice-Chairperson shall preside at the meeting of the Committee.

(4) The District Magistrate shall be the Secretary of the Committee and shall make available to the Committee such assistance as may be necessary for the discharge of its functions.

Elections.

5. (1) Subject to such rules as may be made by the State Government in this behalf and such directions as that Government may issue for the purpose, the District Magistrate shall co-ordinate and supervise all work in connection with the election of members to the Committee.

(2) The District Magistrate shall appoint a Returning Officer and as many Assistant Returning Officers as may be necessary for the purpose of 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) If any dispute arises as to the validity of an election 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 Divisional Commissioner having jurisdiction, and the order of the Divisional Commissioner in disposing of the petition shall be final.

(5) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no civil court shall have any jurisdiction to entertain any petition calling in question the validity of any election under this Act.

XX of 1994.]

(Sections 6-9.)

6. A member of a Committee, who is a member of—

Term of
office of
members of
Committee.

- (a) a *Zilla Parishad*, or
- (b) a Municipality, or
- (c) a *Panchayat Samiti*, or
- (d) the House of the People, or
- (e) the Legislative Assembly of the State,

shall cease to be a member of the Committee if he ceases to be a member of—

- (i) the *Zilla Parishad*, or
- (ii) the Municipality, or
- (iii) the *Panchayat Samiti*, or
- (iv) the House of the People, or
- (v) the Legislative Assembly of the State,

as the case may be.

7. A Vice-Chairperson or a member of the Committee may, at any time, resign his office by notifying in writing his intention to do so to the Chairperson and, on such resignation being accepted, the Vice-Chairperson or the member, as the case may be, shall be deemed to have vacated his office.

Resignation.

8. If the office of an elected member of a Committee becomes vacant by reason of his death, resignation or otherwise, the vacancy shall be filled by election of another member in the prescribed manner.

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

9. (1) The Committee shall regulate its procedure and shall, without prejudice to the generality of such power, decide as and when and in which manner, a meeting shall be held:

Procedure,
meeting, and
records of
meeting,
etc., of
Committee.

Provided that the Chairperson, when required by notice in writing by at least one-third of the members of the Committee to call a meeting, shall do so in ordinary manner, within one month from the date of receipt of the notice.

(2) One-third of the total number of members, subject to a minimum of ten members, shall be 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 of the meeting of the Committee and shall take such actions in this behalf as the Committee may decide.

(Sections 10, 11.)

Powers and
functions of
Committee,
constitution
of sub-
committees,
etc.

- 10.** (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 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 resources, whether financial or otherwise;
 - (b) consult such institutions and organisations as the Governor may, by order, specify.
- (3) The State Government may, by order, assign to the Committee such functions relating to district planning and co-ordination and monitoring of the activities of different departments of the State Government as may be deemed necessary.
- (4) Subject to such rules as may be made by the State Government in this behalf, the State Government may, by notification, constitute an Urban Development Sub-Committee and such other sub-committees as may be deemed necessary for carrying out the purposes of this Act:
- Provided that each such Sub-Committee shall consist of not less than seven members selected from amongst the members of the Committee or such economists, economic planners, administrators, or social and political workers of eminence, as the State Government may think fit.
- (5) The Chairperson of a Committee shall forward the development plan, as recommended by such Committee, to the State Government in such manner as may be prescribed.

Power to
make rules.

- 11.** (1) The State Government may 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 Act shall be published in the *Official Gazette* and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.
- (4) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid.