

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

West Bengal Act XXV of 1994

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

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 27th June, 1994.]

[27th June, 1994.]

An Act to provide for the constitution of Metropolitan Planning Committee in every Metropolitan area in West Bengal for preparation of draft development plan for the Metropolitan area as a whole.

WHEREAS it is expedient to provide for the constitution of Metropolitan Planning Committee in every Metropolitan area in West Bengal for preparation of draft development plan for the Metropolitan area 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:—

CHAPTER I

Preliminary

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

(2) It extends to the whole of West Bengal, except the areas to which the provisions of the Darjeeling Gorkha Hill Council Act, 1988, apply.

(3) It shall come into force on such date as the State Government may, by notification, appoint, and different dates may be appointed for different areas.

Short title,
extent and
commence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "Constitution" means the Constitution of India;
- (b) "district" means a district of West Bengal;
- (c) "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 Governor by public notification to be a Metropolitan area for the purposes of this Act;

Definitions.

(Chapter II.—Constitution of Metropolitan Planning Committee, its functions and matters related thereto.—Section 3.)

- (d) "Municipal area" means the territorial area of a Municipality as is notified by the Governor;
- (e) "Municipality" means an institution of self-Government constituted under article 243Q of the Constitution;
- (f) "notification" means a notification published in the *Official Gazette*;
- (g) "Panchayat" means a Panchayat constituted under article 243B of the Constitution;
- (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.

CHAPTER II

**Constitution of Metropolitan Planning Committee,
its functions and matters related thereto**

Metropolitan
Planning
Committee.

3. (1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee (hereinafter referred to in this Act as the Committee) consisting of such number of members, including a Chairperson and a Vice-Chairperson, as the State Government may determine, to prepare a draft development plan for the Metropolitan area as a whole:

Provided that not less than two-thirds 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 the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area.

(2) The representation in the Committee of the Government of India and the State Government and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to the Committee shall be such as may be notified by the State Government from time to time.

(3) The Committee shall perform such functions relating to planning and co-ordination for the Metropolitan area as the State Government may, by notification, assign to it.

(4) The Committee shall, in preparing the draft development plan,—

(a) have regard to—

- (i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;

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(Chapter II.—Constitution of Metropolitan Planning Committee, its functions and matters related thereto.—Sections 4-6.)

- (ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical natural resources, the integrated development of infrastructure and environmental conservation;
- (iii) the overall objectives and priorities set by the Government of India and the State Government;
- (iv) the extent and nature of investments likely to be made in the 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 organisations as the Governor may, by order, specify.

(5) The Chairpersons of every Committee shall forward the development plan, as recommended by the Committee, to the State Government.

4. (1) The Chairperson, Vice-Chairperson and other members, not being elected members, of every Committee shall be appointed by the State Government.

Chairperson, Vice-Chairperson, other members, not being elected members, term of office and filling up of vacancy.

(2) The term of office and other conditions of service of the Chairperson, Vice-Chairperson, and other members, not being elected members, of the Committee shall be such as may be prescribed.

(3) Any vacancy in the office of the Chairperson, Vice-Chairperson, or any other member, not being an elected member, of the Committee shall be filled by fresh appointment by the State Government.

5. The manner of election of members of the Committee and all matters related thereto shall be such as may be prescribed.

Election of members of Committee.

6. The elected members of the Committee shall hold office for a term of five years from the date of their election, and shall receive such allowance for attending the meeting of the Committee or any sub-committee thereof as may be prescribed:

Term of office of, and allowance for, elected members of Committee.

Provided that every such member shall, on his ceasing to be an elected member of a Municipality or Chairperson of a Panchayat, as the case may be, cease to be a member of the Committee notwithstanding that the term of five years has not expired, and the vacancy shall be filled by election in the manner prescribed.

*(Chapter II.—Constitution of Metropolitan Planning Committee,
its functions and matters related thereto.—Sections 7-11.)*

Validation. **7.** 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.

Meeting of
Committee. **8.** (1) The Committee shall meet at such places and at such times, and shall observe such rules of procedure in regard to the transaction of business at its meeting (including the quorum for a meeting), as may be prescribed.

(2) The Chairperson or, if, for any reason, he is unable to attend any meeting, the Vice-Chairperson or, if, for any reason, both are unable to attend any meeting, any other member elected by the members present, shall preside at the meeting.

Secretary of
Committee. **9.** There shall be a Secretary of the Committee who shall be appointed by the State Government.

Sub-
committee. **10.** (1) A Committee may constitute, for such purpose as it may think fit, as many sub-committees consisting wholly of members of the Committee or wholly of other persons or party of members of the Committee and partly of other persons as it may consider necessary or expedient.

(2) The members of a sub-committee, not being members of the Committee, shall be paid such fees and allowances for attending the meetings thereof 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.