

THE ANDHRA PRADESH METROPOLITAN PLANNING COMMITTEE ACT,
2007

(ACT No. 32 OF 2007)

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THE ANDHRA PRADESH METROPOLITAN PLANNING COMMITTEE ACT, 2007

(ACT NO. 32 OF 2007)

[18th December, 2007]

AN ACT TO PROVIDE FOR THE CONSTITUTION OF METROPOLITAN PLANNING COMMITTEE IN EVERY METROPOLITAN AREA IN THE STATE OF ANDHRA PRADESH FOR PREPARATION OF DRAFT DEVELOPMENT PLAN FOR THE METROPOLITAN AREA AS A WHOLE AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Fifty-eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement - (1) This Act may be called the Andhra Pradesh Metropolitan Planning Committee Act, 2007.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force on the 22nd October, 2007.

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

(a) "*Committee*" means the Metropolitan Planning Committee constituted under Section 3;

(b) "*Government*" means the State Government;

(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 Government, by notification, to be a Metropolitan Area for the purposes of this Act;

(d) "*Municipality*" means Nagar Panchayat, Municipality and Municipal Corporation as constituted, as the case may be, under the provisions of the Andhra Pradesh Municipalities Act, 1965(Act VI of 1965); or the Hyderabad Municipal Corporations Act, 1955(Act II of 1956); the Visakhapatnam Municipal Corporation Act, 1979(Act 19 of 1979); the Vijayawada Municipal Corporation Act, 1981(Act 23 of 1981), and the Andhra Pradesh Municipal Corporations Act, 1994(Act 25 of 1994):

(e) "*Notification*" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

(f) "*Panchayat*" means a Gram panchayat or Mandal Praja Parishad and Zilla Praja Parishad constituted under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994(Act 13 of 1994);

(g) "*Population*" means the population as ascertained by the last preceding census of which the relevant figures have been published;

(h) "*Prescribed*" means prescribed by rules made under this Act.

3. Constitution of Metropolitan Planning Committee - There shall be constituted for every Metropolitan Area, a Metropolitan Planning Committee (hereinafter referred to as the Committee) to consolidate the plans prepared by the Municipalities and Panchayats in the Metropolitan Area and to prepare a draft development plan for the Metropolitan Area as a whole and to exercise such other powers as may be entrusted to it by the Government, from time to time.

4. Composition of Committees - (1) The Committee constituted under Section 3 shall consist of such number of members, including a chairperson and Vice-Chairperson, as the Government may determine:

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 by following the rule of reservation as specified in sub-section (2) of Section 5 of the Hyderabad Municipal Corporations Act, 1955(Act II of 1956).

(2) The representation in the Committee of the Government of India and the State Government and of such organizations 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 Government, from time to time.

5. Special Invitees - (1) (a) Members of the House of the People and Members of the State Legislative Assembly representing constituencies which are comprised wholly or partly in the Metropolitan Area shall be permanent special invitees to the meetings of the Committee.

(b) Members of the Council of State registered as an elector within the Metropolitan Area shall also be the permanent invitees to the meetings of the Committee. Members of the Legislative Council of the State registered as an elector in the Metropolitan Area at the time of nomination or of filing nomination, as the case may be, shall also be the permanent invitees to the meetings of the Committee.

(2) The Chairperson of a Municipality, Nagar Panchayat and the Mayor of the Municipal Corporation in the Metropolitan Area shall also be permanent special invitees in case they are not the elected members of the Committee.

6. Chairperson, Vice-Chairperson and other members - The Chairperson, Vice-Chairperson and other non-elected members shall be appointed by the Government.

7. Term of Chairperson, Vice-Chairperson and nominated members and filling up of vacancies - (1) The term of office and other conditions of service of the Chairperson, Vice-Chairperson and non-elected members of the Committee shall be such as may be prescribed.

(2) Any Vacancy in the Office of the Chairperson, Vice-Chairperson or non-elected member of the Committee shall be filled by the Government as they may determine.

8. Election of members of the Committee - The manner of election of Members of the Committee and all matters related thereto shall be such as may be prescribed.

9. Term of office and allowance for elected members of Committee -

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

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.

10. Manner of preparation of Draft Development Plan - (1) Every Committee shall prepare the Draft Development Plan:-

(a) having regard to, -

- (i) the plans prepared by the Municipalities and Panchayats in the Metropolitan Area;
- (ii) matters of common interest between the Panchayats and the Municipalities in the Metropolitan Area including coordinated spatial planning of the area, sharing of water and other physical, natural resources, the integrated development of infrastructure and environment conservation;
- (iii) the overall objectives and priorities set out 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) by consulting such institutions and organizations as the Government may, by order, specify.

(2) The Chairperson of every Committee shall forward the draft development plan to the Government.

11. Functions of the Committee - The Committee shall perform the following functions, namely:-

- (i) to ensure that each Panchayat or Nagar Panchayat or Municipality or Municipal Corporation in the Metropolitan Area prepares a Development Plan for the financial year which shall be consolidated into the Metropolitan Draft Development Plan and shall be submitted to the Government for incorporation into the State plan;
- (ii) to review, from time to time, the implementation of the Development Plan so prepared and monitor the achievements at the Metropolitan Area level against the targets set under different development or performance indicators;
- (iii) to formulate draft five year plans for the Metropolitan Area in their socio-economic, temporal and spatial dimensions;

(iv) make necessary recommendations to the Government concerning the development of the Metropolitan Area;

(v) perform such other functions as entrusted by the Government subject to the guidelines issued, from time to time.

12. Powers of the Committee - (1) The Committee shall exercise such powers as may be notified under this Act or may be allotted to it by the Government in respect of the business of the Government.

(2) The Government may prescribe and notify the manner in which the powers so notified or allotted to the Committee may be exercised.

(3) While exercising such powers, the Committee shall be deemed to be a body subordinate to the Government and shall exercise these powers for and on behalf of the Government.

13. Meetings of the Committee - (1) The meetings of the Committee shall be held at least once in every quarter of the financial year in such manner as may be prescribed.

(2) The meetings of the Committee shall be held on the scheduled date and time as may be prescribed at the Head Quarters of the Metropolitan Area.

(3) The Chairperson or in his absence a member elected by the members present shall preside over the meetings of the Committee.

(4) The Committee may invite experts to attend its meeting.

(5) The non-official member experts shall be paid such travelling and other allowances as may be prescribed for attending the meetings.

(6) The Committee shall regulate its own procedure, subject to such rules as may be prescribed.

14. Secretary of the Committee and his functions - The Government shall appoint a Secretary to the Committee and he shall be responsible for maintaining the records of the Committee, preparing the records of discussions and communication of decisions and all other incidental, ancillary matters.

15. Sub-Committees - (1) The 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 partly of members of the Committee or wholly of other persons or partly of members of the Committee and partly of other persons as it may consider necessary or expedient.

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

16. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with the provisions thereof which appears to it to be necessary or expedient for the purpose of removing the difficulty.

17. Power to make rules - (1) The Government may make rules to carry out the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two

successive sessions, and if, before the expiry of the session immediately following the session, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification of annulment shall be without prejudice to the validity of anything previously done under that rule.

18. Repeal of Ordinance No. 13 of 2007 - The Andhra Pradesh Metropolitan Planning Committee Ordinance, 2007 is hereby repealed.