

THE ANDHRA PRADESH DISTRICT PLANNING COMMITTEES ACT, 2005

Act No. 40 of 2005

ARRANGEMENT OF SECTIONS

SECTIONS

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THE ANDHRA PRADESH DISTRICT PLANNING COMMITTEES ACT, 2005

Act No. 40 of 2005

[17th November, 2005]

AN ACT TO CONSTITUTE DISTRICT PLANNING COMMITTEES FOR THE PURPOSE OF ARTICLE 243-ZD OF THE CONSTITUTION OF INDIA AND TO DISCHARGE THE FUNCTIONS OF THE STATE GOVERNMENT IN REGARD TO THE ITEMS OF BUSINESS OF THE GOVERNMENT AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Whereas, under article 243ZD of the Constitution of India the Government is empowered to constitute in the State, a District Planning Committee at the District level to consolidate the plans prepared by the Panchayats and the Municipalities in the District by undertaking Legislation;

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-sixth Year of the Republic of India as follows:-

1. Short title, extent and commencement - (1) This Act may be called the Andhra Pradesh District Planning Committees Act, 2005.

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

(3) It shall be deemed to have come into force on the 30th December, 2003.

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

(a) "Committee" means the District Planning Committee constituted under section 3:

(b) "District" means a district as construed in the Andhra Pradesh Districts (Formation) Act, 1974 (Act 7 of 1974).

(c) "Government" means the State Government;

(d) "Municipalities" means Municipal Corporations, Municipal Councils and Nagar Panchayats as constituted under the Andhra Pradesh Municipalities Act, 1965 (Act VI of 1965) or the various Municipal Corporations established under the Andhra Pradesh Municipal Corporations Acts;

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

(f) "Panchayats" means a Gram Panchayat or a ¹[Mandal Parishad] and ¹[Zilla Parishad] constituted under the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994).

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

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

(i) "State" means the State of Andhra Pradesh.

3. Constitution of District Planning Committee - (1) There shall be constituted for every district, a District Planning Committee, to consolidate the

¹. Reference to the words "Mandal Parishad" and "Zilla Parishad" shall respectively be construed as "Mandal Praja Parishad" and "Zilla Praja Parishad" by the Act No.41 of 2006, S.3.

plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole and to exercise such other powers as may be entrusted to it by the Government from time to time.

(2) Every 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 resources whether financial or otherwise;

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

(3) Where the term of the existing members of the Municipality or Panchayat has expired and the elected members cease to be members of the committee then the committee with remaining members shall continue to discharge the functions till new elections are held.

4. Composition of Committees - (1) The Committee constituted under section 3 shall consist of the following thirty members in each district, namely:-

(i) the Chairperson, ¹[Zilla Parishad], shall be the *Ex-officio* Chairperson of the Committee.

(ii) the District Collector shall be the Member Secretary.

(iii) four members to be nominated by the Government of whom one member shall be from the Minorities and three members shall be nominated from the experts of the subject;

(iv) twenty four members of the Committee shall be elected in the prescribed manner by and from amongst the elected members of the ¹[Zilla Parishad] Territorial Constituencies and the Municipalities in the District by following the rule of reservation as specified in the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994):

Provided that the number of members to be elected from the rural and urban areas shall be as nearly as possible in proportion to the ratio between the population of the rural and urban areas of the district.

(2) The members nominated under clause (iii) of sub-section (1) shall hold office for such term as may be notified by the Government.

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 district shall be permanent special invitees to the meetings of the Committee.

¹. Reference to the words "Mandal Parishad" and "Zilla Parishad" shall respectively be construed as "Mandal Praja Parishad" and "Zilla Praja Parishad" by the Act No.41 of 2006, S.3.

(b) Members of the Council of State representing the State shall also be the permanent special invitees to the meetings of the Committee of a district of their choice.

¹[(c) Members of the Legislative Council of the State shall also be the permanent special invitees to the meetings of the Committee of the District where he/she is a registered voter.]

(2) The Chairman of the Municipality and the Mayor of the Municipal Corporation in the District shall also be permanent special invitees in case they are not the elected members of the Committee.

6. Term of elected members - (1) An elected member of the Committee shall cease to be member thereof, if he ceases to be a member of the Municipality or Panchayat as the case may be.

(2) A vacancy arising under sub-section (1) or by reason of death or resignation of a member shall be filled in accordance with the provisions of Section 4.

7. Preparation of Development Plan - (1) Every Gram Panchayat, ²[Mandal Parishad], ²[Zilla Parishad], Nagar Panchayat, Municipality, Municipal Corporation, in the district shall prepare a Development Plan before the beginning of the financial year taking into consideration the tax levied by them and the non-tax revenue received by them and the funds likely to be received from the Government and other departments or Agencies during the financial year and such a plan shall also include the human development or disaster mitigation initiatives proposed to be undertaken during the financial year.

(2) The Development Plan shall lay down the targets set under different development or performance indicators for the financial year.

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

(i) ensure that each Gram Panchayat or ²[Mandal Parishad] or ²[Zilla Parishad] or Nagar Panchayat or Municipality or Municipal Corporation in the district prepares a Development Plan for the financial year which shall be consolidated into the District Development Plan and shall be submitted to the Government for incorporation into the State Plan;

(ii) review from time to time the implementation of the Development Plan so prepared and monitor the achievements at the district level against the targets set under different development or performance indicators;

(iii) formulate draft five year plans of the district in their socio-economic, temporal and spatial dimensions;

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

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

¹ . The Clause (c) added by the Act No.23 of 2007 Section 2.

² . Reference to the words "Mandal Parishad" and "Zilla Parishad" shall respectively be construed as "Mandal Praja Parishad" and "Zilla Praja Parishad" by the Act No.41 of 2006, S.3.

9. 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.

10. Functions of the Member Secretary - The Collector of the district shall be the Member Secretary of the Committee, and shall be responsible for maintaining the record of the Committee, preparing the records of discussions and communication of decisions and all other incidental ancillary matters.

11. Constitution of Sub-Committees - The Committee may constitute such Sub-Committees consisting of members of the committee and the permanent special invitees to discharge one or more of the functions entrusted to it under this Act.

12. 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 District Headquarters.

(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.

13. 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.

14. 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 immediately after it is made be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following 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 session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15. Repeal of Ordinance 10 of 2003 and Ordinance 21 of 2005 - The Andhra Pradesh District Planning Committees Ordinance, 2003 and the Andhra Pradesh District Planning Committees Ordinance, 2005 are hereby repealed.