



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol : XLIX

SATURDAY, MARCH 29, 2008/CAITRA 9, 1930

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
And Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to
by the Governor on the 29th March, 2008 is hereby published for general
information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

GUJARAT ACT NO. 11 OF 2008:

(First published, after having received the assent of the Governor in
the "Gujarat Government Gazette", on the 29th March, 2008).

AN ACT

to provide for the constitution of the District Planning Committees
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 Fifty-ninth Year of the Republic of India as
follows:—

1. (1) This Act may be called the Gujarat District Planning
Committees Act, 2008.

(2) It extends to the whole of the State of Gujarat except the areas
to which the provisions of the Bombay Provincial Municipal Corporations
Act, 1949 apply.

Short title, extent
and
commencement.

IV-Ex-11-1

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

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

- (a) "Committee" means a District Planning Committee constituted under sub-section (1) of section 3;
- (b) "District Collector" includes an Additional District Collector, or any other officer appointed by the State Government to discharge all or any of the functions of the District Collector under this Act;
- (c) "District Panchayat" means a District Panchayat as defined in clause (7) of section 2 of the Gujarat Panchayats Act, 1993.
- (d) "Municipality" means a municipality as defined in clause (14) of section 2 of the Gujarat Municipalities Act, 1963;
- (e) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (f) "prescribed" means prescribed by rules;
- (g) "rural area" means an area within a Taluka.

Explanation. — "Taluka" means a taluka as defined in clause (25) of section 2 of the Gujarat Panchayats Act, 1993;

- (h) "urban area" means an area within a Municipality;

Constitution of
District Planning
Committee.

3. (1) The State Government shall, by notification in the *Official Gazette*, constitute a District Planning Committee in each district consisting of such number of persons not less than thirty and not more than forty as it may determine.

(2) The District Planning Committee shall consist of following members, namely:-

- (i) the Chairperson of the committee to be nominated by the State Government;

Guj. 18 of 1993

Guj. 34 of 1964

Guj. 18 of 1993

- (ii) the President of the District Panchayat, who shall be the Vice-Chairperson;
- (iii) the District Collector, who shall be the Co-Vice-Chairperson;
- (iv) the District Development Officer;
- (v) the District Planning Officer, who shall be the Member-Secretary of the Committee;
- (vi) a person or persons, as determined by the State Government, having special knowledge in the fields of economics, planning, finance, engineering or administration;
- (vii) (a) such number of members as determined by the State Government, to be elected by and from amongst the elected members of the District Panchayat; and
(b) such number of members as determined by the State Government, to be elected by and from amongst the elected members of the Municipalities within the District;

Provided that not less than four-fifths of the total number of the members of the Committee shall be elected by and from amongst the elected members of the District 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) (i) The members of the House of the People and the members of the Gujarat Legislative Assembly elected from any constituency in the District or a part thereof shall be permanent invitees to the District Planning Committee;
- (ii) such officer or officers of the State Government or of any statutory Board, Corporation or Authority having knowledge in the field of economics, planning, engineering, finance or administration, as decided by the State Government, shall be the permanent invitees to the District Planning Committee.

Election.

4.

- (1) The District Collector shall co-ordinate and supervise all works in connection with the election of members to the Committee in the manner as may be prescribed.
- (2) The District Collector shall appoint a Returning Officer and as many Assistant Returning Officers as may be necessary for 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) Where any dispute arises regarding any election held 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 Election Commissioner of the State having jurisdiction, and the decision of the Election Commissioner shall be final and shall not be called in question in any court.
- (5) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no civil court of law shall have jurisdiction to entertain any petition calling in question the validity of any election held under this Act.

Term of office
and other
conditions of
members of
Committee.

5.

- (1) The term of office of the members of the Committee other than *ex-officio*, shall be five years.
- (2) A member of a Committee, who is a member of a District Panchayat, a Municipality, the House of the People, the Legislative Assembly of the State shall cease to be a member of the Committee if he ceases to be a member of the respective District Panchayat, Municipality, the House of the People or the Legislative Assembly of the State.
- (3) The other terms and conditions of the members of the Committee shall be such as may be prescribed.

6. (i) The Chairperson may at any time, resign his office by writing to the State Government and on such resignation being accepted the Chairperson shall be deemed to have vacated his office.

Resignation of
Chairperson

(ii) The Vice-Chairperson or a member of the Committee may, at any time, resign his office by writing to the Chairperson and, on such resignation being accepted, the Vice-Chairperson or, as the case may be, the member shall be deemed to have vacated his office.

7. Any vacancy occurring by reason of death, resignation or otherwise of an elected member of a Committee shall be filled by election of another member in the manner as may be prescribed.

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

8. The State Government shall provide to the Committee such sum as it may think fit for the purpose of carrying out the functions by the Committee under this Act.

Grant to
Committee.

9. (1) The Committee shall meet on such date, at such time and place as the Chairperson may think fit and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by rules:

Procedure,
records to be
regulated by
Committee.

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

(2) Minimum of ten members, shall form 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 and the proceedings of the meetings of the Committee and shall take such actions as the Committee may decide.

Powers and
functions of
Committee.

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 State Government may, by order, specify.
- (3) The State Government may, by order, assign to the Committee such other functions relating to district planning.
- (4) The State Government may constitute Sub-Committees as may be deemed necessary for carrying out the purposes of this Act in the manner as may be prescribed.
- (5) The Chairperson of a Committee shall forward the draft development plan, as recommended by such Committee, to the State Government in the manner as may be prescribed.

23

11. (1) The State Government may, by notification in the *Official Gazette*, 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 section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Power of State Government to make rules.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for removing the difficulty :

Power to remove difficulties.

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

- (2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.